

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SECOND DAY
JANUARY 28, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ANA GRANDE, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

P.O. POSTAL:

Mr. Clerk, will you please read the roll?

MR. BARTON:

Yes. Good morning.

(Roll Called By Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not Present)

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Here.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

Here.

LEG. GULDI:

Henry, here.

LEG. LINDSAY:

Here.

MR. BARTON:

Thirteen present. (Not Present at Roll Call: Legs. Towle, Haley, Fields Crecca and Binder.

P.O. POSTAL:

Will everyone please rise for the salute to the flag led by Legislator Guldi?

(Salutation)

Please remain standing. Our guest clergy is ill and couldn't be here today, so I would just ask for each of us to observe a moment of silence. There are a great many things that have happened, a great many losses that have been suffered, and the one that struck me particularly as a parent and a parent of young men, was the four young men in the Bronx who apparently drowned. So I would ask for a moment of silence for all of the people who abide in our hearts and memories, as well as those four young men.

(Moment of Silence)

Please be seated. We have Legislator Cameron Alden to present a proclamation to Jack Davis of Brentwood. Is he here? Otherwise --

LEG. ALDEN:

I'd like to ask Legislator Bishop to come up. Thank you, Miss Presiding Officer. I'd like to just take a moment this morning and present a proclamation in recognition of this man's hard work. And, actually, he's not required to do any of this, but he's given countless number of hours and supplied countless amount of pastries, basically, right, and breads and things like that to our veterans up in the Northport facility, as well as throughout the community. So, for his tireless community effort and really for what he's done for our veterans, we want to take this opportunity to say thank you very much.

MR. DAVIS:

Thank you.

(Applause)

LEG. BISHOP:

Thank you.

P.O. POSTAL:

Thank you. Now, do we have -- Mr. Clerk, the communications are as indicated --

MR. BARTON:

Yes, they are.

P.O. POSTAL:

On our agenda? And anyone who would like to have copies, please be aware. Are there any other statements or presentations by Legislators? I don't believe I know of any. We do have our report from the County Executive. Todd Johnson?

MR. JOHNSON:

Good morning.

P.O. POSTAL:

Good morning.

MR. JOHNSON:

How are you doing this morning?

P.O. POSTAL:

Just great, warm and balmy.

MR. JOHNSON:

Thank you. Thank you Presiding Officer Postal, Deputy Presiding Officer Caracappa, County Legislators. I want to thank you for this opportunity on behalf of the County Executive to offer our first report of 2003. We hope this proves over the course of the year to be a productive time for the meeting. We're -- hopefully, we can exchange information and present information that's helpful in your deliberations on issues that come before you.

I have not been given any specific requests for information today. I do want to let you know that we are presenting a Certificate of Necessity with regards to reauthorization of the EPIC Program that this Legislature passed last year and the County Executive signed in January of last year. This resolution, as approved in 2002, requires reauthorization each January, and so later today, you'll have before you this item for approval. Unless there are any other questions, that's all I have for you today.

P.O. POSTAL:

Thank you. Todd, I would just like to say that I think that the Certificate of Necessity on the EPIC Program is extremely important. I will be looking at CN's with a very critical eye. I've always felt that approval of CN's ignores the committee process, so I'm going to be very careful to only approve those CN's which have a real time sensitive quality, so -- but thank you.

MR. JOHNSON:

I think that's a prudent task. Thank you.

P.O. POSTAL:

Are there any other elected or appointed officials who would like to make presentations? All right. We're going to move to consideration of the Consent Calendar. Motion by Legislator Caracappa, seconded by Legislator Cooper. All in favor? Opposed?

LEG. FISHER:

Henry, I'm here.

P.O. POSTAL:

The Consent Calendar is approved. Moving to the public portion. Before we --

MR. BARTON:

Thirteen. (Not Present: Legs. Towle, Haley, Fields, Crecca and Binder)

P.O. POSTAL:

Before we begin the public portion, I know that many of the people here are very familiar with our procedures and the public portion. I would just like to point out that there is one major change in the public portion. As before, statements will be limited to three minutes, but unlike other years, the public portion will be dedicated solely to testimony from the public, and Legislators, all being committed to giving the public the opportunity and the fullest opportunity to speak, will refrain from making comments or asking questions during the public portion, so only the public portion. The public portion will be allocated only to the public. I'm going to begin with -- and by the way, we will go in absolute strict numerical order. First speaker is Linda Jasper.

MS. JASPER:

Good morning. Thank you for the opportunity to speak on behalf of the American Cancer Society. I'm a volunteer for the American Cancer Society for a long time. I'm also now on the National Board of Directors.

As you may all be aware, we at the American Cancer Society have stated our opposition to the newly amended smoking ban legislation. It has one fault, only one fault, but it's a big fault. It comes three years too late for the segment of our workforce who are most at risk. Hospitality industry workers are going to have to wait three years to be able to work in a smoke-free environment. This is unacceptable.

It is important for Suffolk County to have a law on the books to protect restaurant and bar workers from the dangers of secondhand smoke sooner rather than later. It is unfortunate that the legislation will lay dormant for nearly three years before it's put to use for protecting bar and restaurant staff. At the minimum, today it is a conflict, if not a complete hypocrisy, for lawmakers to agree to protect the health of their community, but not under their watch. Over the next three years, employees in the hospitality industry and restaurant and bar patrons will

continue to be forced to breathe in toxic cigarette smoke.

The compromise agreement between the Legislature and the Suffolk County Restaurant and Tavern Association turns its back on bar and restaurant workers and completely disregards the wishes of Suffolk County residents who clearly support smoking restrictions, forcing Suffolk -- excuse me -- forcing Suffolk residents to wait until 2006 to have their health protected is a great disservice to them. As tobacco industry lobbyists and the Suffolk County Restaurant and Tavern Association look for ways to further postpone implementation of this crucial public health measure, the American Cancer Society will continue to advocate for the strongest and immediate smoking ban measures in Suffolk County, across New York State, and across the United States. Thank you very much.

(Applause)

P.O. POSTAL:

Thank you. Our next speaker is Sal Campanaro.

MR. CAMPANARO:

Thank you. I'm here to speak on the smoking ban. I've contacted almost all of you in the past few months by E-mail, by telephone. I also support a smoking ban in Suffolk County. I'm a teacher in Lindenhurst High School, by the way. I'm an ex-smoker. I started smoking when I was 12, because back then everyone smoked. I stopped when I was 45. I haven't smoked now for ten years. When I was told that I had pre-emphysema syndrome, that made a major difference in my decision.

I think it's a great idea that we implement a smoking ban, but the idea of putting it off for three years is absurd. I would rather see Suffolk County do nothing at this point than delay this bill for three years. It's an embarrassment to pass a law and not enact it for three years. I'd rather see you wait six months until you can find another Legislator willing to support the bill. I'd rather see Suffolk County wait until November, when maybe a new district is created and a new Legislator will come on board with the courage to do the right thing.

Nassau County and New York City are going to enact their measures in March. An arrangement, supposedly, was made last summer between Nassau and Suffolk and the City and Westchester to all do this together. Waiting three years is not doing this together. I don't understand why

Nassau and New York City can enact a bill and begin in March and Suffolk County can't. Florida has already done this, California has done this, Delaware, Maine, Vermont, Utah, and now Dallas has done it. This is a trend, it's spreading across the country. For us to put this off for three years would be taking a giant step backwards.

You know all the facts, all the medical facts about smoking. You know that employees that work in a smoking establishment who work an eight-hour shift breathe in the equivalent toxins of smoking a half a pack of cigarettes. Everybody recognizes the fact that smokers have a legal right to smoke in certain places, but all people have an absolute right to breathe clean air everywhere they go. You have to ask yourselves a question before you vote on this bill. How many employees in restaurants and bars do you think will become sick in the next three years?

P.O. POSTAL:

Mr. Camponaro, I'm sorry, but your time is up. Thank you.

MR. CAMPONARO:

Thank you. I would just like to ask you, as government, your duty is to protect the health and safety of the public.

P.O. POSTAL:

Thank you.

MR. CAMPONARO:

Please, do the right thing. Thank you.

(Applause)

P.O. POSTAL:

Next speaker is Claire Millman.

MS. MILLMAN:

Good morning. I'm Claire Millman, President of the Alliance for Smoke-free Air, and we wish to express our gratitude to both the Legislative sponsors and supporters of Intro 2020 with its original effective date. Provisions of the bill, as spelled out in the stated intent, reflect the recognition of the necessity to protect all workers and patrons in Suffolk from the assault of the

carcinogens and toxins of secondhand smoke. Unfortunately, the new effective date drastically weakens the effectiveness of the health protection by prolonging the existence of those 43 carcinogens and multitude of toxins in the working environment. With its original effective date, the bill was consistent with, as stated in the intent, Suffolk's position all these years at the vanguard of smoking regulations since 1983. Unfortunately, Suffolk now slips from that position, postponing vital health protection for three years, as its neighbors, Nassau County and New York City, forge ahead now.

We say to those Legislators who have made the postponement of this vital health protection a condition for their cooperation, if radon, asbestos or benzene were present in the workplace, would you advocate waiting three years to eliminate these poisons? Secondhand smoke is in the same Class A carcinogen category.

What good is increased knowledge if we do not act upon it? Within just last year, the data, re: The deleterious effects of secondhand smoke, has tremendously increased, including evidence of a variety of other cancers, in addition to lung cancer, and the much larger incidents of fatal and nonfatal heart attacks than previously known.

It is wrong to wait until 2006 to establish in Suffolk what is already in place for years in many other localities. The smoke-free laws in these places are proving that while it's good for health, and that's the main issue here, it's also good for business. The compromise in Suffolk County amounts to compromising the health of Suffolk County workers. The disease and death attributed to secondhand smoke do not go by the calendar. This bill is admirable. The delay of years before the law takes effect in restaurants and taverns is unconscionable. Thank you.

P.O. POSTAL:

Thank you.

P.O. POSTAL:

Next speaker is Peter Quinn.

MR. QUINN:

Good morning, members of the Legislature. Peter Quinn, Long Island Coalition for Democracy. Congratulations, Maxine. I don't envy local government leaders this year.

Under Bush, the federal deficit has ballooned to 200 billion dollars, yet he calls for tax cuts of 674 billion, nearly half of which is dividend cuts going mostly to rich investors. Under Bush's spending plan, the states gets 3.6 billion dollars. New York State alone has 12 billion dollar deficits over the next 14 months, and the -- and the 50 states have deficits of over 100 billion, topping -- by the way, the Homeland Security Bill has quietly been shifted, the costs have been shifted to local governments. Topping that, Bush wants one trillion for failed -- for a failed ballistic missile defense, wants to reward corporate crooks, and has had Harvey Pitt, still running the SEC, by the way, water down the {Sarbanes-Oxley} bill after strong lobbying by Wall Street securities firms, thus making investor protections meaningless.

Cloning Bush, "Red Ink Republican" Pataki, who increased State expenditures by 28 billion during his first eight years, now calls for more tax cuts, meaning special interests like Wall Street will still benefit, local governments won't get State aid, school districts will suffer, tax cuts will cause the State to lose 550 million in federal revenue funds, according to the State Comptroller, and the poor and the ill and the seniors will have to fend for themselves. Both bankruptcies and unemployment are on the rise. The LIA's six priorities don't even mention energy costs as a concern. The Association for a Better Long Island insists government must build more HOV lanes, more generating plants, and give developers more incentive money for growth to occur. Absolute hogwash in these dire economic times.

Governments at all levels under the guise of investing and creating jobs are still throwing money at the special interests. Taxpayers need to be reminded that tax cuts and "Red Ink Republican" spending are a bad chemical mixture, leading to increased and bond indebtedness. Every bond floated is a tax, plus interest. County and town governments are on their own. Good luck with our tax dollars. And I haven't even mention New York City's problem with deficits, nor the potential for war with Iraq. Thank you.

(Applause)

P.O. POSTAL:

Thank you, Pete. Next speaker is Luis Olivera.

MR. OLIVERA:

Good morning. I won't keep you long. I see some of you are busy. My name is Luis Olivera. I'm a resident of Brentwood for 45 years out of my 52 years. I'm a member of the Latino Voting

Rights and the Brentwood Civic Association. I'm here today to support Legislator Fisher's proposal, 1041, for the new District 19, a long time coming for our voices to be heard and for us to be represented.

I'd like to make a comment on an article on last week's Newsday. As to putting a dollar amount on the new district, we're able and willing to pay for it. We're paying for it now with a little bit more. So don't put a dollar amount on us -- our voices to be heard, because we're willing to go that far. We've gone this far without being heard, so a little bit more money to us, it doesn't really matter. We would like to know who or why, or why anyone would like to take that right from us and deny us a right for representation. Thank you.

P.O. POSTAL:

Thank you, Mr. Olivera.

(Applause)

P.O. POSTAL:

Next speaker is Sandra Siegel. Sandra Siegel here? Oh, I see.

MS. SIEGEL:

I'm representing SCAN, the Suffolk County Association of Nurses.

LEG. FOLEY:

You have to speak closely into the mike, we can't hear you.

MS. SIEGEL:

I represent Scan, Suffolk County Association of Nurses, and I'm -- okay. All right. Now you can hear me? I'm speaking about the possibility of public health nursing being dismantled within 60 days. Suffolk County public health nurses and home health aides have served those of us who are the most frail and isolated from the 24 week premature baby coming home from the neonatal unit to the infirmed elderly person lacking safety net coverage and faced with chronic health needs. There are areas of our County which have little access to services due to the very geography which makes Suffolk so intriguing.

County public health nurses provide a strong health care connection to the population living near

lands end and lacking transportation. Our nurses visit new mothers from the Nassau border to the tip of Montauk and Orient. They assist new immigrants who find themselves with health needs from pregnancy to serious childhood illness. They visit chronically ill persons requiring long-term care and coordinate their complex needs. They visit high risk pregnant women to enhancement the possibility of a favorable outcome, a healthy child. Indeed, since these visits have been initiated, the effectiveness of our nursing intervention has been borne out by the 50% reduction in infant mortality among low income minority women. Our County nurses work with drug abusing pregnant women and find detoxification programs for 85% of these mothers-to-be, thus giving both mother and fetus a chance for a healthful life. They visit children with severe asthma to teach their families how to avoid frequent hospitalizations and children lacking insurance coverage who have been newly diagnosed with serious illnesses, such as diabetes, malignancies, HIV and other life-threatening conditions. Not only do they perform skilled nursing interventions, but they assist families through the maze of insurance acquisition and are a strong resource for them at a time of emotional and financial crises.

Since the Bureau of Public Health Nursing encompasses a CHHA, a license to access payment from insurance companies, much of our County's public health nursing service is reimbursed through Medicare, Medicaid, and other various private insurance companies. Unfortunately, the unique services which the County renders to the vulnerable and the isolated may soon be discontinued. The CHHA and the revenue stream, which it enables the County to access, will likely fall as well.

LEG. FOLEY:

Miss Siegel, your three minutes are up. If you could just summarize the final part of you testimony.

MS. SIEGEL:

Okay. We are asking your assistance to preserve this critical service, since funding is the most important aspect of this problem.

LEG. FOLEY:

Thank you, Miss Siegel. And just to let you know, this issue will be taken up at our next Health Committee meeting --

LEG. GULDI:

Mr. Chairman.

LEG. FOLEY:

-- of which I'm Chair.

LEG. GULDI:

Point of order.

LEG. FOLEY:

Legislator Guldi.

LEG. GULDI:

I only see nine. Point of order.

LEG. FOLEY:

Okay. Thank you. There's only nine here. We need to have a quorum before we can continue with the rest of the public portion. Any other Legislator who is out in the hallway, could you please return to the auditorium. We do not have a quorum. Until we have a quorum, we cannot continue with public portion. Could staff please -- here we go. We're back to ten. Very good. Thank you. Okay. George Gaige from the Tobacco Action Coalition of Long Island.

MR. GAIGE:

Thank you, Mr. Foley, for the invitation to speak to the Legislature today.

LEG. FOLEY:

You're welcome.

MR. GAIGE:

Tobacco Action Coalition of Long Island supports the proposal of the Suffolk County Legislature to make bingo halls and most work sites in Suffolk County smoke-free by 2004, and all restaurants and bars smoke-free by 2006. Secondhand smoke is responsible for the deaths of approximately 65,000 persons in the United States annually. This translates to hundreds of Suffolk County residents each year. While we would have preferred to see earlier implementation of a complete ban on smoking in Suffolk County restaurant and bars, we're pleased to see that the County is taking the steps today to make certain that eventually all employees may breathe freely. I have

to say, though, that we're not pleased, that apparently the, basically, unfounded fears of the loss of revenue of a few bar owners could delay this for three years, but we do thank the Legislature, and especially Mr. Foley and the other supporters of the measure, to make sure that, eventually, this will -- this will occur. Thank you.

LEG. FOLEY:

Thank you, Mr. Gaige. Okay. David Schecher, regarding public health nursing future. He's a great student and teacher and player of jazz as well. Good to see you, Mr. Schecher.

MR. SCHECHER:

I'm here as a private citizen, but I think that it's only honest to state up front that I've been married for 29 years to a public health nurse. If any of you in the Legislature have not had the experience of meeting any of these women on a private level, you should do this. They are the Green Berets of your Health Department.

The Health Department Nurses have been the human expression of the Suffolk County Health Department for the past 70 years, and they've had a presence in people's homes, in clinics and in hospitals. They often work alone in environment where the police have to go in in teams. My wife was often stopped by police officers asking her what she was doing alone in the neighborhood that she was in. It was public health nurses who first visited the AIDS patients when the epidemic hit Long Island. It was also and is public health nurses who follow tuberculosis through our County and will follow any other outbreaks of this sort of disease.

It's public health nurses that enter addicts houses where they are raising children to alert Suffolk County's Child Protective agencies about the children who are in danger. In 60 days you are going to be a part of making a decision that would decide whether these services are going to be terminated. This is a profound philosophical reversal.

None of us advocate shoddy healthcare, but most of us have little grasp on what's going on in these houses and in these situations if we don't do it ourselves. For that reason, I'm requesting that you vigorously seek the advice of the public health nurses themselves, and also, if you could, that you would hold public hearings, so that we would be able to have a wider debate on what would be a profound philosophical change for the County of Suffolk. Thank you.

LEG. FOLEY:

Thank you, Mr. Schecher. And, again, this will be taken up at our next Health Committee meeting, the issue of public health nurses. Okay Patricia Schecher, representing the Suffolk County Association of Nurses, and the topic is public health nursing.

MRS. SCHECHER:

Yes. Thank you.

LEG. FOLEY:

Patricia, welcome.

MRS. SCHECHER:

Thank you very much for the opportunity to speak, and adding to what my colleague, Sandy Siegel, had spoken to, and also my husband, who was willing to, you know, come out to speak on behalf as a citizen. I don't know how many realize that the Bureau of Public Health Nursing is in jeopardy right now. The understanding that the nurses have been given is that the health centers are in trouble, they need staff, and because of the hiring freeze, they're planning on moving public health nurses from the field into the health centers to fill the gaps in the health centers. Most of the public health nurses in the field have been strongly allied with the health centers. In terms of following services that are given in the clinics we proceed to deliver in the field. Most of the patients that are seen in the field very often can't get to the health center for various reasons, they're unable to physically, lack of transportation, all kinds of societal burdens that they have that they're not able to get to the health centers.

In terms of just adding -- Sandy didn't finish a couple of the statistics. I know you guys probably get sick of hearing statistics and we keep saying we have to justify our existence. A visitor to the field where the public health nurse gives you a whole reason why public health nursing is so necessary, but when we're forced in this kind of setting, a couple of statistics. Sandy mentioned the infant mortality rate of low income minority women. Actually it has gone down 50% since 1990. You know some people can think about just what that means, but in terms of a prenatal initiative, patients can get into prenatal care much better in this County than they could 15 years ago. That's a big thing. When I used to meet a patient in the field that had no money, no insurance, you'd have to say, "Go to Social Services, get Medicaid," come back in three or four months as your pregnancy went on. These sometimes are drug abusing mothers, people who smoke. Tonight -- today is a big thing on the smoking laws, so it's extremely important in terms of saving the County money and looking at the statistics.

One baby in NICU, we have babies now that are delivered at, you know, 27, 28 weeks gestation. These babies are in NICU three and four months. The amount of money that goes into that versus a few public health nurses trying to keep patience going to their prenatal care, going to their substance abuse program, so that their babies are delivered at full-time. It certainly is something to be looked at.

One more thing. I'm sorry I'm going over my line, but in terms of the frail elderly in Suffolk County, the Bureau of Public Health Nursing has home health aides who have made ten -- you don't realize how much is going on, but there are 10,000 visits in a year to the elderly by the home health aides. And in terms of Legislative districts, they figure about 500 visits per year per Legislative district in Suffolk County.

Thank you very much, and thank you for the Health Committee looking into this further for us.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you.

MS. SCHECHER:

Thank you.

LEG. FOLEY:

Thank you, Patricia.

P.O. POSTAL:

Next speaker is John Mucci.

MR. MUCCI:

Good morning, Ladies and Gentlemen. I'm here on behalf of the Festo Corporation. I'm one of the executives. Today we hope you're voting on Resolution 1017, which is the foreign trade zone for our facility. I'd like to give you a brief summary on what that is to give you a little bit of a background, so you can understand what it is you're voting on maybe a little clearer.

Approximately two years ago, we were faced with becoming another statistic on Long Island about moving off of Long Island due to manufacturing and moving to Mexico. We've determined that we found ways that we can keep the facility here on Long Island and support Canada and Mexico from here. To make it short, the biggest obstacle we have today is our freight and duty into New York currently today. We ship approximately two million pounds of freight into our freight forward to here in New York City and we're looking to double that. With a foreign trade zone, that will give us the added benefit that we need to keep manufacturing here on Long Island. So we're here today if you have questions for us before the resolution. Okay?

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

The next speaker is James -- is it Stramo?

MR. STRAMO:

Stramo.

P.O. POSTAL:

Stramo.

MR. STRAMO:

Good morning.

P.O. POSTAL:

Good morning.

MR. STRAMO:

On March 8th 1998, the World Health Organization withheld from publication a study which shows that there is no link between passive smoking and lung cancer. The World Health Organization, which commissioned the twelve center, seven country European study has failed to make the

public -- the findings public, and has instead produced only a summary of the results in an internal report. The findings were certain to be an embarrassment to the World Health Organization, which has spent years and vast sums of money on anti-smoking and anti-tobacco campaigns. The study is one of the largest to ever look at the link between passive smoking and lung cancer, and has been eagerly been awaited by medical experts and campaigning groups.

Dr. Chris Proctor said, and I quote, "The findings confirm what many scientists have long believed, that smoking in public may be annoying, but the science does not show that being around a smoker is a lung cancer risk.

P.O. POSTAL:

Excuse me, Mr. Stramo.

MR. STRAMO:

Yes.

P.O. POSTAL:

I'm just going to ask you to hold off. We must suspend the meeting, because we do not have a quorum present. I've stopped the timer.

LEG. CARACCIOLO:

Can he speak lower?

P.O. POSTAL:

I will ask him to when he resumes.

MR. STRAMO:

I'm sorry. I have a sore throat and I --

P.O. POSTAL:

We have ten.

MR. STRAMO:

I don't know if I could be heard.

P.O. POSTAL:

Okay. Just a little lower. That's a real good microphone, so you may continue.

MR. STRAMO:

Now? Thank you. The science does not show that being around a smoker is a lung cancer risk. Why do the facts from these out-of-town anti-smoking agitators hold more weight than the World Health Organization. Why are all their statistics and facts accepted without question? I ask who are these 145 people a year that die from secondhand smoke in Suffolk County? What are their names? Where are the waitresses and bartenders you claim to be saving? Why are they silent? They are silent because they do not exist. The waitress and bartenders you claim to be protecting have -- are already protected by OSHA. If secondhand smoke were truly an issue, OSHA would have passed legislation. OSHA is uncharacteristic in their silence on this issue. OSHA is the agency responsible for health in the workplace, not the Suffolk County Legislature. I contend that more people died last year in Suffolk County from West Nile Virus than secondhand smoke. Why not ban going out of doors after dark in the summer? I know that sounds ridiculous, but so does not smoking in bars.

People go to bars to relax, people go to bars to smoke, people go to bars to drink. Now I know that will horrify some of the people in this room, but those three things happen to be legal. This legislation tramples on the Constitution by preventing the rights of the people to freely assemble and engage in a legal act. Right now there are plenty of places to drink, eat and work in a nonsmoking environment. The current law makes sense.

In a recent Newsday poll, 65% of the people voted against this smoking ban. Your job as Legislators is to represent the people, not to dictate to us. You are pushing this legislation against the will of the people. I have made it my business and I urge all my fellow business owners in this industry to inform their customers of how each Legislator votes on this issue. There is a growing movement of the people disgusted that rights are one by one being taken away from them.

P.O. POSTAL:

Mr. Stramo, thank you, your time is up.

MR. STRAMO:

Thank you. This country was founded on freedom, not regulation.

P.O. POSTAL:

Mr. Stramo. Next speaker, Palacios.

MR. PALACIOS:

Good morning, Honorable Legislators. My name is Felix Palacios and I'm a member of the Latino Voting Rights Committee of Suffolk County and I'm here to talk about the proposed Latino district in the area of Brentwood, Bay Shore and Central Islip.

First of all, we need to applaud the efforts of Legislator Fisher to bring forth a -- sort of a resolution by bringing a 19th district into existence, which, in fact, would doubtlessly remedy this situation. But whether or not there is a 19th district, the numbers, as dictated by the census in 2000, require that a district that allows the community's of like interest that reside in the Brentwood/Bay Shore/ Central Islip area, it requires that that district be created. Whether or not it's an 18th district or 19th district, that is for you to decide. But the numbers emanating from the 2000 census that show that the only growth in population in Suffolk County is because of the growth of the minority communities, communities of color, Asians, Latinos, African Americans, and, therefore, it is incumbent upon you to remedy the present situation in which these communities of like interests are divided into three different -- in three different districts.

Now, whoever may be the Legislator who represents those districts have had the benefit of a fractured community. That, of course -- you know, and, therefore, the creation of this district is something that it is not only something that will vindicate voting rights, but that will be an exercise in good government and democracy. And when -- in looking at the website for the Suffolk County Legislature recently, I saw where it said the -- you know, an example of the greatest of America's great democracy is the Suffolk County Legislature. Let's hope that that can be the case by creating this district. Thank you.

(Applause)

P.O. POSTAL:

Thank you. Next speaker is Angel Gonzalez.

MR. GONZALEZ:

Good morning. I'm a member of the Latino Voting Rights Committee of Suffolk County. What

we're talking about, a group of people in Brentwood, mostly 52% Latino and 17% black, and the rest are diverse Americans. The problem is that -- and Fifth Avenue is divided, this town is divided in half. One area is the 9th District, which is the west of Fifth Avenue, and the other is the 10th -- is the 10th district, which is east of Fifth Avenue. Well, this area in Brentwood, this community, will never have representation for these people. We have Legislators from the east, one is from West Islip, and the other one on the 10th District is from East Islip. They don't have no common interest in this area. We're looking for somebody to represent us in this area and we need a vote. They're taking our voting rights. We go out to vote, but our votes is split in half. We -- so that means that this community, not one person voting rights, but the whole community voting right is divided in half and we're never going to have representation. We need a district for ourself. Thank you.

LEG. FISHER:

Thank you.

P.O. POSTAL:

Thank you. I need to remind everyone that our rules require that all cell phones, pagers, beepers, be shut off in the auditorium. So, if you have not done so, please do that now. Our next speaker is Don Garber.

MR. GARBER:

Good morning. First, I'd like to thank you very much for the previous meeting when you preserved the Sherwood-Jayne complex. That was an excellent thing to do.

This -- I'm talking about a public participation process proposal of how the rules might be changed. The public participation cards are grouped by topic. The group with the greatest number goes first. Only a maximum of ten speakers from the topic group are heard. Presentation order is up to the ten allowed for an ordered presentation. If the topic is a Legislative agenda item, it has the option of being taken out of order, discussed and voted at this time. This occurs if the remaining public speakers agree to yield and forfeit speaking, and is accomplished by asking if anyone in the audience has objections. During the debate, Legislators may ask the speakers for clarification of points. During the debate, if a public participant has an important point to bring to the attention of the Legislature, they may fill out a card and have it past to the Presiding Officer. Once this topic is closed, the hearing continues with the group having the next greatest number of cards. Exceptions are groups who have been heard at

previous meetings, they go to the end of the line. When there's a controversy on the issue, the speakers are broken into five pro, five against.

The advantages of this system, the public sees the debate and the outcome of their topic. It enables a coordinated presentation on the topic with a maximum of a half an hour presentation. Fewer people make presentations, less than ten. Legislature is better able to get information from the public. Some hope of pointing out something factually incorrect during the Legislative debate is possible. The greatest number of public participants spending the least time at the hearings. All the Legislature is near the horseshoe during public hearings. Public input fresh in the Legislature's mind when they vote.

Anyway, this is in response to Legislator Caracappa's initiative, which I think is extremely well intended last time, and it is just some comments for your considerations. Thank you.

P.O. POSTAL:

Thank you, Mr. Garber.

LEG. FISHER:

Thank you, Don.

P.O. POSTAL:

Next speaker is Marianne Zacharia.

MS. ZACHARIA:

Good morning. On behalf of the American Lung Association of Nassau-Suffolk, I would like to thank Legislator Foley for his unwavering support and his hard work in sponsoring the smoke-free workplace bill, Number 2020. I would also like to thank Legislators Fields, Tonna, Nowick and Postal for their supporting as sponsors.

In the past few months, we've seen tremendous strides in the protection of workers from the dangers of secondhand tobacco smoke. First, Nassau County passed the strongest clean indoor air worker protection law in New York State. Shortly after, New York City announced the passage of their law. Westchester County is presently on the verge of passing their law as well. It's now Suffolk County's turn to follow the rest of the Downstate area in voting to protect the health of workers.

The compromise that was made to 2020 leaves the bill intact. Workers in offices and bingo halls will be protected from the deadly effects of secondhand tobacco smoke starting in January of 2004. Bartenders and waiters will be protected from the deadly effects of secondhand tobacco smoke in January of 2006. Would we have preferred an immediate implementation date? Absolutely. But, at this point, we need to move forward in our efforts in tobacco control.

We urge the support of this full Legislature. We also look forward to working with our State Legislators in the near future to propose a ban on smoking in workplaces statewide, so that all New Yorkers will be protected from the deadly effects of secondhand tobacco smoke. Thank you.

LEG. FOLEY:

Thank you.

LEG. FISHER:

Thank you.

(Applause)

P.O. POSTAL:

Next speaker is Jeannette -- it looks like Nofer.

MS. NOFER:

Yes. Hi. The reason I'm here is because, as a private citizen, I do have a --

LEG. FOLEY:

Talk into the mike.

MS. NOFER:

Oh, sorry. As a private citizen, I do have a problem with the secondhand smoke. Right now, for the past month and a half, I've encountered bronchitis and I still can't get rid of it, because I keep encountering secondhand smoke. And I believe that the issue of secondhand smoke is being treated very frivolously. The issue of the environment and the people's health and what secondhand smoke is doing is not -- to us is not a prime concern. It appears that, instead, the prime concern is with the bar owners and restaurant owners and what they spent for their

ventilation systems.

I believe the Legislature should work with the people and with these restaurant owners to maybe give them a tax break, give them tax credits. That way, they could always recoup their money by adding 25 cents onto a soup, a dollar on to something. We can never recoup our lung capacity once we lose it.

I had smoked for many years. In 1979 I quit, and I thought, well, the doctor kept telling me, "Well, you're getting bronchitis from smoking." And for years I didn't get bronchitis and I started getting it again, and it's getting worse and worse every time I get. And I try to pinpoint it. It appears that every time I'm in an environment with a lot of smoke, it appears that this is when I get this congestion that leads to my bronchitis. And, as I said, I got this in November, the end of November, because I was in a dance club, which was terribly smokey, and the next day I got sick and bronchitis came. So the statistics from the American Cancer Society and Board of Health it seems are being -- not being taken really seriously into consideration. And the bar -- and the more focus is on the bar owners and investment in the ventilation systems.

It is clear that there is -- there is an alignment with the special interest group. They are being allowed to dictate what they want and when they want the smoking ban to go into effect. Some of you have lost sight of the commitment you made to protect the environment and the people's health and welfare. You are not doing your job when you allow the influence of special interests to sway you. Therefore, in fairness to the people, maybe you should resign and step down and allow someone else in your seat that would protect the people and have the people as their main focus. 2006 is really unacceptable for anybody. I mean, we have young people going into dance clubs. No one knows what their lung capacity is. No one knows if these young people have a weakness in their lungs. Three more years of them inhaling secondhand smoke could be very, very detrimental to them.

I went to the movie theater the other night at Loews, Stony Brook, and it was so mobbed that outside the theater there were people smoking. I had to pass by that. Unfortunately, with smoking you can't see it like rain where you could put up an umbrella and protect yourself. I was forced to pass through this crowd and I felt it immediately going into my lungs and my throat. I had -- as I said, my lungs have deteriorated over the years since I have stopped smoking, and my doctor attributes that to the secondhand smoke. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Bill Leudemann.

MR. LEUEMANN:

Good morning. I guess most of you know who I am. I'm Bill Leudemann from the Suffolk County Restaurant and Tavern Association. And, yes, we did make a new agreement with Mr. Foley in reference to the extension on the implementation date. I have called Brian's office several times this week. I wanted to talk to him, but he's a pretty busy guy I'm sure. But anyway, I'd like to request that since there is a statewide bill pending, that Brian or Mr. Foley contact our Suffolk delegation in Albany, both Assembly people and Senators, and request that if a statewide bill goes through, that the representatives up in Albany make an amendment to the Suffolk area and extend the implementation date to January of 2006, so that we can -- our agreement can be made and honored. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Richard Lange.

MR. LANGE:

I have some paperwork that you might want to distribute.

MR. BARTON:

Okay.

MR. LANGE:

Good morning. I represent the septic industry. I'm president of New York CATS, which stands for New York State Association of Cleaners and Transporters of Septage. I've been here before, but I'd like to reiterate some of the things we have.

We are having a health emergency right now. There's not enough waste disposal in Suffolk County for the waste generated. The problem started about 18 years ago, and the Department of Public Works was given \$100,000 to find a solution. They have not found a solution and they have compounded the problem. The immediate action items are as follows:

Stop the expansion of the Southwest Sewer District. Stop the reserve of any gallonages. Stop all leachate from going to Bergen Point Scavenger Waste Plant. Ban all treatment plant sludge from

Bergen Point Treatment Plant. Make disposal fee equal for all. Stop all building permits until proper solution is supplied. These sound drastic, but they're necessary.

The Commissioner of Public Works stated that grease at Bergen Point Scavenger Waste Plant was affecting the plant's discharge permit. This is incorrect. The treatment plant sludge from the small package plants, which the Department of Public Works services on a regular basis is the cause.

How can you expand the Southwest Sewer District and reserve gallonages without providing disposal for the majority of the residents of Suffolk County? Why is leachate taking away gallonages at Bergen Point Scavenger Waste Plant when there's a solution for its disposal? Why is -- why are disposal fees less for industrial sewer district than for a homeowner? Because the Department of Public Works services that plant? Why should one condo complex pay less than another for disposal?

Bergen Point Sewer Treatment Plant closed early just in the summer. Then it was the spring and the fall, and now all year-round. Knowing this fact, how can you allow permits to be issued? Immediate action is required on these issues.

Now, as president of New York CATS, I am also a member of the state Nonpoint Source Committee, which involves --

P.O. POSTAL:

Mr. Lange, I'm sorry, your time is up. Thank you.

MR. LANGE:

Okay. Thank you.

LEG. FOLEY:

Thank you, Mr. Lange.

P.O. POSTAL:

Our next speaker is Elba Galvan.

MS. GALVAN:

Good morning. My name is Elba Galvan. I'm an attorney with the Puerto Rican Legal Defense and Education Fund in New York City. I'm here today to address the process of redistricting here in Suffolk County, and have a few very simple and brief statements to make on the record with respect to that process, the first being that we urge -- we urge that the process remain fair and open.

We know that, recently, the Commission was disbanded, which causes us some concern, because part of our view of redistricting is that it is a democratic process. Certainly, the example set in New York City, one which requires public hearings in every Borough, and a number of them, leads us to strongly urge this Legislature to keep that process open.

Secondly, we urge you to keep politically cohesive Latino communities intact, as is required under Section 2 of the Voting Right Act. We would like to point out that in New York State, most recent round of reapportionment post Census 2000, the State Legislators recognized this need to keep Latino communities of interest intact in this area that is the area of concern, which I don't need to tell you is Brentwood, Central Islip, and that area, to keep the Latino communities of interest intact. And, in fact, the recent election of Phil Ramos from that area is a testament to the political cohesiveness of the Latinos of that area.

I'm not going to go into a long lecture of the Voting Rights Act and the cases that have interpreted it, although I will mention {Thornberg Rejingles}, because that is such a pivotal case in the interpretation of the Voting Rights Act in Section 2, and the lesson from this case is a very simple one. If you have a politically cohesive community that numerates in excess of a majority a minority community such that we have here in Suffolk County. You are -- and you have polarized voting, keeping the community of interest from cohesive, politically cohesive I community of interest from electing its representatives of choice, then you are required to create -- they're called obligatory majority/minority districts, and I believe this is a prime example here in Suffolk County of an obligatory majority/minority district. If you do the political analysis with respect to voter returns, and, certainly, Phil Ramos, having been recently elected from this area would indicate that the necessary elements have been met.

So, again, we would just like to strongly urge the Legislators to keep the process open and fair.

P.O. POSTAL:

Thank you.

MS. GALVAN:

Thank you.

P.O. POSTAL:

Our next speaker is --

(Applause)

-- Leonard Fillyaw.

MR. FILLYAW:

Yes. My name is Leonard Fillyaw and I'm a Zone Leader for the Democratic Party. I've been working closely with the African-American community and the Puerto Rican Defense League, and I've seen the lines drawn by them, it's a nice cut. It's going to give -- bring government closer to people for African-American, Latino community. And I'm here to affirm my commitment to make a strong coalition with the Latino community to bring democracy to the masses. I can't see why anybody would want to refuse that district the way it's been cut.

Rick Montano, I've worked with him. I've worked with Phil Ramos, NAACP. The time is here for change. And I want my Democratic comrades here to -- strongly urge them to vote for this district, because it's needed. And democracy is a place of change and a time and demographics are here, so let me reaffirm my position, that I want a new County Legislative district that's going to bring representation to African-Americans and Latinos. Thank you.

LEG. FOLEY:

Thank you.

(Applause)

P.O. POSTAL:

Thank you. Next speaker is Ken Paddock.

MR. PADDOCK:

Good morning, and thank you. First time listener, first time speaker. I represent, as a

bar/restaurant owner, Tara Inn in Port Jeff. I belong to three restaurant organizations. I filled out two surveys. I'm in full support of a smoking ban. I think the time frame is unacceptable. I a few years ago had some points on my own, a few years ago had a double operation. Had a chest x-ray. The technician told me to stay away from cigarettes. I said, "I haven't had a cigarette since 1975." They informed me, "Well, you work in a smoke-filled environment then." I said, "Yes, I do." This affects us, everybody.

I feel other employees of everywhere else has a free smoking ban. You know, years ago I used to be very sympathetic to the cigarette smoker. Can't smoke here, can't smoke there. Yankee Stadium eliminates smoking, you know, it's outside. You know, if you smell it, it affects you. I initially said I filled out three surveys. All of the Restaurant Association say this is -- that we shouldn't have a smoking ban, and that this is what all the restaurant owners want. This isn't what all the restaurant owners want. There are people out there that do want it.

You know, I just think it's -- I think the time frame is very, very, very poor, very long, considering what the City is doing and Nassau County. You know, I would like to see better -- better time frame. I thank you for your time.

P.O. POSTAL:

Thank you. Phil Goldstein. Phil, I apologize. You were number 16. I have no idea how your card got out of order. I mean, seriously.

MR. GOLDSTEIN:

As long as I'm afforded the opportunity. Congratulations, Maxine.

P.O. POSTAL:

Thank you.

MR. GOLDSTEIN:

Oh, Paul is gone. Condolences to Paul.

LEG. BISHOP:

How does this relate to the Boston Tea Party? Bring it back.

MR. GOLDSTEIN:

It reflects, this changing of the guard reflects an aspect of politics which I call "Vince Lombardi Politics". Winning isn't important, winning is everything. Okay? However, last weekend, I attended a conference, a third party conference, and one of the prime movers of that conference got up and said quite clearly, "Winning is not important," and it's not important to the third parties. I'm not anxious to get a slice of the pie. I have no relatives to whom I want to give jobs, no cronies and so on. But the point, very simply, is third parties can be effective, even though they don't win elections, because they bring pressure to bear on the system, and that's what we're all about, at least that segment of the third party movement to which I am an adherent.

I'm concerned with process, with democracy, and I'm here to speak about the 19th Legislative District, which I vehemently oppose. It is incumbency insurance. At this time, we can ill afford to waste money on a 19th Legislative District and pay the cost of that election and the cost of maintaining another Legislator. Right now, it's possible to engage in campaigning in a Legislative district investing shoe leather, and I think that's sufficient. Ideally, small districts are best, because given the problems of campaign financing and so on, small districts enable the poorly financed challenger an opportunity to at least compete. But I think the Latino and black communities are being ill served, they're being led down the garden path with regard to this 19th district.

What we need to do is to give Legislators, with all due respect, a taste of unemployment. Tough, if two of you have to run head to head and one of you has to lose a job. Look what's happening to your constituents out there. There's lot of unemployment out there. They know what it's all about. It's about time you got a taste of it.

I know some of you think I'm bombastic, but I'm sorry. I play a role, just like Paul Vitello. Did you read his column? I leave you with his dream, with Reverend Martin Luther King's dream and my dream. I see this nation in decline and I've often said it will not be ailing. This is the action of our own elected officials who put us in decline.

P.O. POSTAL:

While she's changing the tape, I recognize Legislator Crecca.

LEG. CRECCA:

Thank you, Legislator Postal. I wanted to just take a minute out and congratulate and recognize

one of my constituents who's here in the audience today, and who was recently elected president of the Suffolk County Correction Officers Association and that's Vito Dagnello. Thank you, Vito.

(Applause)

We look forward to working with you and the rest of the administration and the Correction Officers over the next year. Thank you.

P.O. POSTAL:

Thank you, Legislator Crecca. I have no more cards. Is there anyone else who would like to address the Legislature? Will all Legislators please return to the auditorium. We're going go address the agenda. Please return to the auditorium.

Okay. You each have a copy of a Certificate of Necessity for **Introductory Resolution Number 1084 - Reauthorizing County funds for the EPIC Reimbursement Program**. Again, I'm going to be very stringent about only addressing Certificates of Necessity which are time sensitive. This is one which is because the reauthorization will enable us to do what we intended to do when we adopted this program, which is to assist senior citizens with the financial obligation of filling their prescriptions. So I will accept a motion to --

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion --

LEG. FOLEY:

Second.

P.O. POSTAL:

-- Legislator Haley, seconded by Legislator Foley. All in favor? Opposed? 1084 is approved.

MR. BARTON:

18.

LEG. GULDI:

Got me, Henry?

MR. BARTON:

Yes.

RESOLUTIONS TABLED TO JANUARY 28, 2003

P.O. POSTAL:

Now we're going to resolutions tabled to January 28th, 2003. **1000 - Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision.**

LEG. HALEY:

On the motion.

P.O. POSTAL:

On the motion, Legislator Haley.

LEG. HALEY:

I'll make the motion to table. But I just want to ask Counsel what was the latest on the lawsuit?

MR. SABATINO:

The court of Appeals did not take the appeal, so now it's fully exhausted all of the judicial appeals.

LEG. HALEY:

Madam Chair, I'll withdraw that resolution, finally.

P.O. POSTAL:

Thank you. I.R. 1000 has been withdrawn. **I.R. 1050 - Authorizing the retrofitting of traffic lights and LED fixtures.**

LEG. COOPER:

Motion to table.

P.O. POSTAL:

Legislator Cooper.

LEG. COOPER:

Motion to table.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Caracciolo. All in favor? 1050 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1275 - To implement Town of Babylon Affordable Housing Plan. I'll make a motion to table that, seconded by Legislator Bishop. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1275 is tabled.

LEG. BISHOP:

Where is that at?

P.O. POSTAL:

Just for everyone's information, we're waiting for an agreement to be drafted by the Department of Law that both the County and the Town of Babylon will be signing. We're hoping that's going to happen within our lifetimes.

1585 - Authorizing waiver of interest and penalties for property tax (for Joseph Bryan

and Marie Bryan) (SCTM No. 0200-979.70-02.00-025.000). I'd like to ask our Counsel where we are with regard to the waivers in view of our legal situation.

MR. SABATINO:

We're still on appeal, but the new issue is with the new County Comptroller, whether or not there's going to be a substitution of the new County Comptroller, which could terminate the litigation. That's currently pending.

P.O. POSTAL:

So that, currently, this has to be tabled.

MR. SABATINO:

It really should be tabled until we can resolve those issues.

LEG. FOLEY:

Motion to table.

P.O. POSTAL:

Second. All in favor? 1585 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1786 - Authorizing lease of vacant land located at Francis S. Gabreski Airport, Westhampton, New York for aircraft hangar purposes. Legislator Towle.

LEG. TOWLE:

Motion to table subject to call.

P.O. POSTAL:

Motion to table subject to call, seconded by Legislator Haley. All in favor? Opposed?

LEG. GULDI:

Abstention.

P.O. POSTAL:

Abstention, Legislator --

MR. BARTON:

17, 1 abstention.

P.O. POSTAL:

I'm sorry, I didn't hear what was said.

MR. BARTON:

17, 1 abstention.

P.O. POSTAL:

1786 is tabled subject to call. **1856 - Adopting mass transportation system map policy for Suffolk County.** I'm going to table this.

LEG. HALEY:

Second.

P.O. POSTAL:

I have been assured by the Department of Public Works that this is, in fact, being done and will shortly be available to the public, so I'll table it, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1856 is tabled.

(1954) Adopting a local law to ban the sale and purchase of all dietary supplements containing ephedrine alkaloids within the County of Suffolk. Legislator Cooper.

LEG. COOPER:

Motion to table.

P.O. POSTAL:

Ephedrine, excuse me. I'm sorry, table?

LEG. COOPER:

Please.

LEG. TONNA:

Second.

P.O. POSTAL:

Motion to table, second. All in favor?

LEG. BINDER:

Roll call. Roll call.

P.O. POSTAL:

Roll call on the motion to table.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

MR. BARTON:

Legislator Bishop.

LEG. TONNA:

I was the second on the tabling.

MR. BARTON:

Oh, I'm sorry, Legislator Tonna.

P.O. POSTAL:

Oh, I'm sorry, that was my mistake.

MR. BARTON:

Legislator Tonna.

P.O. POSTAL:

I thought it was you.

LEG. TONNA:

Yes.

LEG. CARACCILO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes to table.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. HALEY:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

14-4.

P.O. POSTAL:

1954 is tabled. **1999 - To study reduction of energy consumption at County Board of Elections in Yaphank via new technology.** I'll make a motion to approve that.

LEG. FISHER:

I second it.

P.O. POSTAL:

Seconded by Legislator Fields.

LEG. BISHOP:

Happy to hear an explanation.

LEG. TONNA:

On the motion.

P.O. POSTAL:

Actually, I'll be happy to explain that. Legislator Tonna.

LEG. TONNA:

Just explanation, please.

P.O. POSTAL:

Sure. There's a process whereby the -- I don't know if I have the technical aspects, but the recycling of electricity is kind of regenerated, so that it's reused and it doesn't have to use a lot of energy to start itself over and over again in the course of a day. Therefore, it's been shown to generate a considerable savings. And as I -- as I recall, and our Counsel can correct me, the cost to the County of doing this is a percentage of the savings generated, so everybody's in favor.

LEG. BISHOP:

Why just limit it there?

P.O. POSTAL:

Well, we talked about -- I had actually --

LEG. BISHOP:

Forge ahead.

P.O. POSTAL:

I had actually initially drafted the resolution for Bergen Point, which is a very, very high energy users -- user, but I think that DPW felt more comfortable with studying it on a smaller scale. So I believe that this is going to be a very cost effective measure, and if it needs to be studied on a small scale, I feel sure that it will generate so much savings that, pretty soon, we'll be doing this on a very large scale.

LEG. BISHOP:

Sounds good.

P.O. POSTAL:

Okay. So I think we have a motion and a second. Legislator Crecca?

LEG. CRECCA:

I just have a question. Is there a cost associated with this?

P.O. POSTAL:

I think it's a percentage -- let me see. Percentage of the savings. Ten percent of the -- it promises a savings of at least 10% of the energy costs, and it would receive payment based on that. So that if they don't generate 10% of the energy costs, they haven't met their promise and they don't get anything.

LEG. CRECCA:

It's like a contingency fee.

P.O. POSTAL:

It's like a contingency fee.

LEG. CRECCA:

You know, and I like contingency fees, so --

P.O. POSTAL:

Well, I do, too. I just wish they weren't 30% or something, 33 1/3%. At any rate, we have a motion and a second. All in favor? Opposed?

LEG. TONNA:

I just --

MR. BARTON:

18.

LEG. TONNA:

I'm going to abstain.

MR. BARTON:

17, 1 abstention.

P.O. POSTAL:

Abstention, Legislator Tonna. 1999 is approved. **2018 - Directing the County Department of Public Works to implement compliance with emission standards for County vehicles.** Legislator Towle?

LEG. TOWLE:

Motion to approve.

P.O. POSTAL:

Motion to approve.

LEG. FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. Explanation. Mr. Sabatino, an explanation on 2018.

MR. SABATINO:

The legislation does two things. One, it builds off an earlier resolution that was adopted in the

Year 2000, which directed Public Works to do an initial study for the County in terms of bringing the County into compliance with emission requirements for trucks. That report initially was done in June of 2001, but one of the requirements was that it was to be filed with all Legislators and it wasn't done. So one of the things this resolution does is directs that a report be distributed and filed with all Legislators to get back into compliance, and then, secondly, it calls for the utilization of a new technology, which is identified in the legislation to attempt to achieve reductions that go even beyond the minimum standards that are set forward in State and Federal law.

Public Works testimony at the committee level was that they weren't opposed to the concept, because they believe that they can use the technology to go forward. But the idea is to try to exceed, if not -- well, clearly, we meet, but the goal is to try to exceed what the standards are.

LEG. BISHOP:

Madam Chair.

LEG. TOWLE:

Legislator Postal, too --

P.O. POSTAL:

Legislator --

LEG. BISHOP:

I'll yield, because I'm --

P.O. POSTAL:

Okay.

LEG. TOWLE:

Yeah. Also, I just wanted to point out that the Commissioner of Public Works did attend the committee meeting and spoke in favor of the bill.

LEG. BISHOP:

Yes. Now, if I --

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

It sounds good and I just want to know more. We have in our fleet trucks that don't meet the standards for clean air? I don't -- what's the -- what is the --

MR. SABATINO:

No, we do meet. The initial legislation that was adopted in the Year 2000, which Legislator Towle had sponsored, was to ascertain whether or not we were, in fact, in compliance, because Legislator Towle at that time was concerned that there may have been --

LEG. BISHOP:

Compliance with what?

MR. SABATINO:

Emission standards that are set by federal law and --

LEG. BISHOP:

The consumer -- that's the manufacturer end right? The consumer doesn't comply or not comply with fleet -- I'm confused.

MR. SABATINO:

No, you're -- the maintenance of your fleet. In other words, once you purchase a -- as an individual consumer, if you purchase a vehicle --

LEG. BISHOP:

Right.

MR. SABATINO:

-- and it's in compliance, you have to maintain the vehicle, though.

LEG. BISHOP:

Okay.

MR. SABATINO:

Five years later, if you're not properly maintaining it --

LEG. BISHOP:

And that's why we do the inspection. That's why you go to New York State inspection, right, so that's -- okay. So then we have vehicles that we believed were not maintained properly, so that they were not in compliance with the Clean Air Act, is that --

MR. SABATINO:

Well, in the Year 2000, Legislator -- I mean, I don't want to speak for Legislator Towle, but what he communicated to me was that in the Year 2000, he was concerned that while officials were cracking down on people in the private sector to be in compliance, that perhaps the County was not in compliance. So he sponsored legislation in the Year 2000 to ascertain what was happening with the County fleet.

LEG. BISHOP:

Okay.

MR. SABATINO:

That report came back in the Year 2001 stating whatever it stated, but that report was never distributed to Legislators as it was supposed to have been.

LEG. BISHOP:

Okay.

MR. SABATINO:

That led to Legislator Towle sponsoring this initiative, which did two things. One, it said, "Get that report to everybody," and secondly, it said, with identification of the technologies that are out there, if we can do things to exceed the minimum standards, let's implement those things and do them.

LEG. BISHOP:

Okay. This is -- it's remarkable that it takes two pieces of legislation to achieve the County going to get the car inspected, but if that's what it takes, then I certainly support it. But what I would add is that what I noticed during the '90's was that, increasingly, we were replacing cars in our

fleet with sport utility vehicles, and that might be an area where we might want to reconsider whether all those sport utility vehicles are actually being utilized in a proper fashion. Obviously, if you're just transporting, you know, an administrative official back and forth, a car will suffice and they don't need an SUV, and that's certainly an area which adds to air pollution in a nonattainment area. Thank you.

P.O. POSTAL:

There's a motion and a second, I believe.

MR. SABATINO:

One last thing. It sets a deadline of October 1st of 2003, so you have another chance to look at it.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2018 is approved. Now our next bill is going to take a considerable amount of discussion, so I'm going to call a five-minute recess.

[THE MEETING WAS RECESSED AT 10:50 A.M. AND RESUMED AT 11:00 a.m.]

P.O. POSTAL:

Will all Legislators please return to the auditorium, so that we can continue doing the agenda. All right. We'll return to the agenda with **Introductory Resolution Number 2020, which is adopting a local law to strengthen smoking prohibition in indoor places.** Legislator Foley.

LEG. FOLEY:

Madam Chair, I would like to make a motion to approve.

P.O. POSTAL:

I'll second that. On the motion. Will all Legislators return to the horseshoe.

LEG. FOLEY:

We still have some Legislators who are missing.

P.O. POSTAL:

We're still -- Linda, can we round them up?

LEG. FOLEY:

Madam chair, what I'd like to, with the prerogative of the Chair, as the sponsors of the bill, if there are other Legislators who wish to speak on the legislation, I would like to be considered as the last speaker on this bill.

P.O. POSTAL:

Okay. I don't know if there is anyone else. I would just -- I would like to make some comments. As a cosponsor on this bill, I don't think that there was or is anyone who feels more strongly about this issue than I do. You know, it's a joke that reformed smokers are the most violently opposed to smoking. Maybe that's because we have the best reasons to be opposed to smoking. But I don't think, as I said, that anyone felt more strongly about the necessity for this bill than I did in its original form.

There was a great deal of testimony given over the subsequent months with regard to the bill, and for a very long time, there was serious doubt about whether there was a majority of members of the Legislature willing to support the ban. We've heard from people who are still opposed to this bill in its current form for one reason or another. Some people are opposed to it because they feel that the ban should be implemented immediately and there should be absolutely no delay, and then there are other people who feel that the ban should either never exist or exist sometime in the far, far distant future.

In my experience, and I'll certainly defer to Legislator Lindsay, who has a great deal of experience in labor negotiations, in my experience in labor negotiations, and that experience goes back way prior to my service as a County Legislator, I came to realize that labor negotiations, which resulted in a fair contract, were probably those in which neither side was completely happy. Everybody got a lot -- a little bit of what they wanted, nobody got everything that they wanted, and that's probably the right place to be. Frankly, I think that's the right place to be with most of

the legislation that we've passed over these years, and I think all of us would agree that probably that centrist approach is the right approach for us. That's what I suggest is happening here today, that we have a bill now which will accomplish the protection of employees in the workplace. We won't get it tomorrow, but, on the other hand, if we insisted on getting it tomorrow, it never would have happened. So at least by approving this bill today, we do something very important to protect workers across Suffolk County.

Now, I know, and I have the feeling I speak for the prime sponsor and the cosponsors on this bill, that if we had our druthers, we would have supported the original bill. That was our intention. That's why we did sponsor that bill. But we also recognize that it's important to achieve something to protect the health of those workers, rather than not making any progress to protect their health, and finding ourselves five years down the road exposing these people to the same carcinogenic secondhand smoke that they're exposed to today.

So I would ask everyone to be reasonable. Instead of holding fast to extremes, let's come together at this middle ground that's offered us in this bill that will accomplish a protection for people who work in Suffolk County, and support 20/20 as it now is. Anyone who --

LEG. TONNA:

Madam Chair, just --

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Legislator Foley, I just have a question. It was mentioned by one of the speakers today with the question of the possibility of contacting you to make some type of exemption if New York State passes a bill that's similar to this. My sense in our discussions are that you would not be interested in that, if New York State passes a law, from what we originally conceive, that you would not try to make an exemption for the bars and areas of Suffolk; am I right about that?

LEG. FOLEY:

The question was first posed to me today on the record by Mr. Leudemann. I haven't seen any State legislation. There's been some talk of it, but, as we all know, given the track record of the State Legislature, that I'd be happily surprised if they move

with any alacrity on any far-reaching legislation. So until such time that I see the legislation, I want to refrain from comment on it. But, certainly, what the State does or doesn't do statewide is something that they have to come to terms with today. My focus today and our focus today is with this particular legislation.

I think what will happen is this. If we pass this legislation today, along with what's happening in New York City and in Nassau, and soon with Westchester, Albany County is also poised to pass legislation, this momentum from the grassroots level of New York State government, meaning cities and counties, I think we will be creating the momentum from which the State Legislature will find it difficult not to move forward with some comprehensive statewide legislation.

So I think what's important today, pass this today, and then we can take that other issue up, if, in fact, there is any legislation coming down the pike, which, as of this point, none has been formally submitted.

LEG. TONNA:

So there's been no -- okay, that's fine.

LEG. FOLEY:

Thank you.

LEG. TONNA:

I'd just like, Legislator Postal, Presiding Officer Postal, I'd like to say I'm not happy with the compromise, but I want to commend Legislator Foley. I think this is the best that we can get right now and it sends a message. And there is a corpus, there's a part of the bill that is immediately binding in bingo halls and in other places, so it's not just about bars. And so I think, although it's not a deal that makes me happy, and I have grave misgivings about knowing for a fact that there's going to be eight Legislators who are not going to be here in 2006 and a number of them who are supportive of this resolution, that somehow the corporate memory of the action of the Legislature to exempt these -- you know, that there isn't in 2006 and early 2006, all of a sudden, they -- you know, to extend the sunset or something like that.

LEG. HALEY:

I may stay for that.

LEG. TONNA:

But I have confidence that there's enough -- there is enough support of Legislators who are supporting who will be here who will be vigilant in not allowing that to happen, hopefully. And so it's not the best of all worlds, I think, from the standpoint of public health and protecting people, on the other hand, I'd rather a half a loaf than no loaf, and so I commend Legislator Foley and -- in being able to get us to the point where, hopefully, today there will be a passage of this bill.

Thank you.

LEG. FOLEY:

Thank you, Legislator Tonna.

P.O. POSTAL:

Legislator Crecca. And did I see -- and then Legislator Guldi.

LEG. CRECCA:

Yeah. My first question is for Legislative Counsel, if you could highlight the most recent changes in the bill, please.

MR. SABATINO:

Yes. There were two substantial changes. The first one is that the applicability date for the provisions that deal with bars, restaurants and taverns will now be January 1st of 2006, and the previous deadline of January 1st of 2004 continues to be a deadline of January 1st, 2004 for bingo halls, tobacco shops, and the office workplace.

LEG. CRECCA:

So, in other words, tobacco shops will not -- will be prohibited still from allowing smoking in their premises?

MR. SABATINO:

That kicks in on January 1st of 2004, as was the case in the original version.

LEG. CRECCA:

What about private clubs? I notice there's an exemption regarding --

LEG. FOLEY:

It's the current law.

LEG. CRECCA:

Right, the current law exempts areas that are private areas, or private clubs. Is that -- will that now be gone? I just want to highlight some of --

MR. SABATINO:

Okay. The current exemption, which already exists in the law, regarding private functions or private clubs, that exemption continues, that hasn't been changed. It wasn't changed in the earlier version and it wasn't changed in the latest version.

LEG. CRECCA:

So, if someone wants to hold an event, for example, and a smoker event, they can do that now, if it's a private invitation only event; correct?

MR. SABATINO:

Correct.

LEG. CRECCA:

And that doesn't matter. I just want to be clear. That was my understanding of the bill, I just --

MR. SABATINO:

Right. And that -- that's not something being done by this law, that's some that just -- that was already the law and it continues to be the law, even with the proposed amendments.

LEG. CRECCA:

And what's going to happen to like country clubs and -- that are -- have private membership, but are open to the public also, would that -- where would they fall into the law?

MR. SABATINO:

It depends on which category or function they're engaging in. If they're -- if it's a private social function, then it's under the exemption. But for those periods when they're opening, or they have access to the public to come in on a paying basis to make reservations or, you know, on a walk-in basis, then the prohibition would apply at that point.

LEG. CRECCA:

Thank you.

P.O. POSTAL:

Legislator Crecca, finished?

LEG. CRECCA:

Yes.

P.O. POSTAL:

Legislator Guldi, and then Legislator Fisher, followed by Legislator Haley.

LEG. GULDI:

I haven't spoken on this issue while it's been debated here on the record, and I need to put a couple of things on the record as a result before we vote on this.

In 1995, on the original smoking ban, which, accidentally, when it was originally proposed had no exemption provision, it was a ban. I was cosponsor. In 1995, when we were trying to find the votes to support that, we could not find a sufficient number of votes without making a compromise. The proposed compromise was the creation of independent separately ventilated smoking rooms at some -- at those establishments that wanted to put their money there. At the time we did that, I said it was a bad idea and a bad compromise. The reason I said that was, in 1985, I felt that OSHA had been remiss in failing to act on this issue for decades, and that OSHA still had an obligation to act, and today my feelings haven't changed. Notwithstanding the, shall I call it, relentless lobbying efforts by some of my colleagues, Mr. Foley, I wonder if you've been taking lessons from Legislator Cooper, the --

LEG. HALEY:

Got a call from both of them yesterday.

LEG. GULDI:

The fact is that I was not a cosponsor on this bill, because after having agreed to the 1995 compromise, I felt compelled to abide by the vote I had cast regarding that compromise. I commend Legislator Foley for reaching out to the people, the same people, I note, that the 1995 compromise was fashioned with, and coming up with a further compromise, thereby permitting

me to support this bill in the form it hits the floor today. That support is not -- over my own misgivings since 1995 that the exemption was an error, but it is in the process of making Legislative policy. Like sausage, you don't want know what goes into it. It does, as Legislator Postal and Legislator Tonna have both observed, get us in -- at the end of 2006 to where we should have been in 1995, which is for government not so bad, because sometimes, when we get to move government, it's glacial, and it's taken us less than a hundred years. So thank you.

LEG. FISHER:

Thank you, Legislator Postal. We've heard hours and hours of testimony regarding this issue, and one of the focal points of the discussions has been the economic impact of this legislation on the small businesses. We have heard a great deal of conflicting testimony regarding this issue. I believe that in the time between now and the implementation of this local law, we will have ample evidence that I truly believe will support the testimony that we've heard here, that the small businesses will not be adversely impacted. I believe that by the time we reach January 1st of 2006, there will have been such a cultural acceptance throughout the United States of the dangers of smoking in a public place that it will be a natural transition into a full ban.

So, Legislator Tonna, I believe that although we may have a different makeup here of the Legislature, those people who will be sitting at this horseshoe in representing the people of Suffolk County will uphold the local law that I'm hoping we will pass today, because it will be the way of the land, the way of the entire country. This is the direction in which we have been moving, as science further demonstrates the dangers of secondhand smoke, and as society accepts the right of individuals in public places to be free of the secondhand smoke. I believe that we will easily move into full implementation of this local law when it does come into full effect.

A compromise, as Legislator Postal has said, by definition means that neither side will be completely happy. This is a compromise, and I'm happy that we've been able to reach that compromise, so that we can move forward. And that way we don't have to see you guys every month, all of you, not that we don't like to see you, however, we have heard you speak before and we do know what you're saying. So congratulations, Legislator Foley, in achieving a compromise, so that we can move forward.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

You know, I've always been amazed through all of this discussion how we keep talking about public places, and I think the biggest mistake we've made just from the get-go is claiming that restaurants or bars or these other locations are, in fact, public places when they're not, they're private places where the public happen to attend and the public can attend of their own free will. Obviously, we make exception for children. We would hope that parents and families would watch out for their own children.

This is another incremental approach towards protecting people from themselves. In my view, it's a chink out of the armor of the American freedoms. Social engineering is taking another step, and I'm disappointed that very view individuals, a few individuals have compromised the rights of a lot of private -- in the private sector and the rights of American citizens, and for that I'm very disappointed.

P.O. POSTAL:

Thank you. Roll call.

LEG. LINDSAY:

Wait a minute. Brian.

P.O. POSTAL:

Oh, I'm sorry. Oh, I apologize Brian.

LEG. FOLEY:

Go to roll call.

P.O. POSTAL:

You want to go to -- either way, it's up -- it's your choice.

LEG. FOLEY:

One final thought on the matter, and something that has motivated all of us who have supported

this bill on a bipartisan basis, and I first want to thank my cosponsors. We couldn't have done this without the bipartisan cosponsorship that reflects the best in this Legislature. There have been many pros and cons about a number of issues, but there's one unalterable truth that's a guarantee, and that is when this bill becomes effective, it will save lives here in Suffolk County. It will save lives in January of '04, it will save lives in January of '05, it will save lives in January of '06, and from this point forward, where for the past 150 years it's been a battle with tobacco, the fact of the matter is when this is fully implemented, from that point in perpetuity, we're going to be saving literally thousands of lives here in Suffolk County. Now, I submit to you that's the primary reason why I and others became involved in politics and in government, so that we could have those rare occasions where we could pass legislation that would, in fact, have a major positive impact upon our population. This is one of those times where that will happen.

Additionally, what's also unique about this issue, and it gives power to the issue, is how for the first time in the history of New York State, we have had a number of individualized municipalities, in the City of New York, Westchester, New York City, Nassau and Suffolk, banding together since the summertime, working on legislation, full well knowing that we're going to keep our faith to the primary mission, which is to save lives, but, at the same time, full well knowing that we would have to shape our legislation in order to meet the dynamics of each of our municipalities. That we have done. And in so doing, by passing this today, we are then challenging the State of New York to do something that they should have done years ago, which is to pass legislation that will protect all New Yorkers.

It's a shame that we even had to take this route, but we had to take this route from a grassroots level, because there are those in the State government that refuse to live up to their responsibilities.

I would also like to thank the advocates who have been on this issue tirelessly for months and months on end, and, in fact, for years. They have not lost their faith. Yes, some continue to push the envelope, which I don't blame them for doing, but for those of us who are in the practical realm of wanting to move forward public health law, this bill will move forward public health law. This bill, when passed, and, hopefully, signed by the County Executive, will save lives here in Suffolk, and will set the stage to save lives in New York State. Madam Chair, I ask you to move the motion.

LEG. BINDER:

Madam Chair.

LEG. FOLEY:

No, no.

LEG. BINDER:

Madam Chair, I decided to speak.

P.O. POSTAL:

I had called for a roll call, because I had forgotten --

LEG. BINDER:

I decided to speak. I have the right under the rules to speak. Sorry.

P.O. POSTAL:

Allan.

LEG. BINDER:

I have the right to speak.

P.O. POSTAL:

Are we going to have one of our usual --

LEG. BINDER:

I heard some words. I've decided I want to speak. I have the right. We're in a democracy here.

P.O. POSTAL:

I understand.

LEG. BINDER:

I have the right to speak. You cannot -- you cannot quell speech in democratic bodies, so please recognize my right to speak. I've made the decision after he spoke.

P.O. POSTAL:

I recognize your right to speak, keeping in mind --

LEG. BINDER:

Thank you.

P.O. POSTAL:

-- you can win the battle and lose the war. Go ahead, Legislator Binder.

LEG. BINDER:

Fine. That's fine. I think it's unfortunate that what this bill really is is public relations. That's what this is about, it's about politics and public relations, because when it boils down to it, what is this bill really about? It's not about the public and about the public's health in restaurants, because the truth is that the amount of secondhand smoke that any one person would subject themselves to when they're dining in restaurants does not affect their health in secondhand smoke. It's clear, the amount of smoke we're talking about. Could it affect those who are working in the environment? That's possible. That is possible. But those who work in the environment are not the ones who are here. Those are not the ones protesting.

When those who work in an environment of asbestos or in other areas where it's affected their health, they protested, then government acted to protect them. This is not where people who we're supposedly protecting have asked us to protect them and then we went out to protect them, these are other groups, other national groups that come from other places, coming in here to tell us that we should protect a particular group of people who are not speaking for themselves, because it is only about those who work in the restaurant industry, it's not about the people who actually go into restaurants and dine there, because it doesn't affect their health.

And why do I say it's about politics and PR? Because the same Legislature so far doesn't even want to protect children. We're going to protect workers who haven't come here, but I've -- I've asked this to be passed out, a discharge for a bill to protect children in cars, which has been killed in the Health Committee. Health Committee, by a Health Commissioner also who thinks it's just not the right process to do that now. We should do something before we do this. Before we protect the children, we should do something else because of some esoteric reason. I see reasons now, "Well, we're worried about enforcement." Well, I've gotten Counsel to talk about that problem.

Well, why don't we protect everybody, stop everybody from smoking in cars? Because it's about

consent.

So I'm going to try to discharge today, if we're going to vote on this, if we really care about health and if that's what we're here for, then let's see if we're willing to protect in the children. I know this is not going to be politically popular, telling people they can't smoke in their cars when they have kids in their car. That's terrible, isn't it? Because you say, "Well, we are infringing on people's rights." Is that what we're doing? No, we're not. Because, in that case, you have children who don't have the choice of being in another place in another venue, they must drive with the parent or the adult. But we don't want to protect the children, because that's not going to be good politics, will it? It won't be good P.R., but we'll see. We'll see if those who vote today to supposedly protect people from smoke who are working in restaurants, let's see if they want to protect the children of Suffolk County where it might not be as politically popular, a little bit more dangerous. Let's see if it's about politics or about health. I will make that motion to discharge today. I look forward to seeing the vote.

LEG. FOLEY:

Move the question.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Bishop? Where's Bishop?

LEG. BINDER:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. BISHOP:

This is on approval or tabling?

LEG. COOPER:

Approval.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

12.

P.O. POSTAL:

2020 is approved. Congratulations, Brian.

LEG. FOLEY:

Thanks very much. Thank you.

P.O. POSTAL:

2113 - Adopting Local Law No - 2002, a Local Law to separate Legislative meetings into voting days and public participation days. Legislator Caracappa?

D.P.O. CARACAPPA:

Actually, I wanted to move this, but seeing that we do have the new rules in effect, I would -- I would give those rules a chance to work. Though the first meeting of the year isn't quite a barometer to gauge the effectiveness of new rules, I will give them a few meetings to see if it does work. So I will make a motion to table at this point in time..

LEG. HALEY:

Second.

P.O. POSTAL:

Second by Legislator Haley. And I would just like to say that I am completely in support of Legislator Caracappa's resolution. I think that his motion to table this is evidence of his willingness to reach a goal of orderliness and careful consideration of resolutions at the sake of whatever, I guess, accolades he could receive for passing a bill, and I think that's to his credit and reflects on the credit of this institution, so I support him. I'm sorry, Marty. I know it's hard to hear me praise Joe at length, but --

D.P.O. CARACAPPA:

It's hard for me, too.

P.O. POSTAL:

Anyway --

MR. BARTON:

Madam chair.

P.O. POSTAL:

Motion to --

MR. BARTON:

Madam Chair. Madam Chair.

P.O. POSTAL:

Yes.

MR. BARTON:

On 2020, the correct vote is 13.

P.O. POSTAL:

Thirteen?

MR. BARTON:

Thirteen-five.

LEG. GULDI:

I counted, Henry.

P.O. POSTAL:

Very good.

MR. BARTON:

I know you did. Thank you, George. You count better than I do.

P.O. POSTAL:

Okay. We have a motion to table and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2113 is tabled. **2135 - A charter law to reauthorize one-year rolling debt under 5-25-5.**

LEG. CARACCIOLO:

Explanation.

P.O. POSTAL:

I'll make a motion to approve.

LEG. CARACCIOLO:

Explanation.

P.O. POSTAL:

We need a second.

LEG. TOWLE:

I'll second for purposes of explanation.

P.O. POSTAL:

Second by Legislator Towle. Mr. Sabatino.

MR. SABATINO:

An enactment of this proposal would suspend the 5-25-5 restrictions for the period of time from the effective date of this law, which would probably be about 60 or 90 days from now, probably 90 days from now through December 31st of this year.

LEG. CARACCIOLO:

Madam Chair.

P.O. POSTAL:

You're -- I'll put you down after Legislator Caracappa, Mike.

LEG. CARACCIOLO:

Okay.

D.P.O. CARACAPPA:

Thank you. Fred, for the fiscal year '03 in our adopted budget, what did we -- what's the number we budgeted for under a presumed extension of the policy we had in place last year?

MR. POLLERT:

In the 2003 operating budget, there's approximately \$800,000 for pay-as-you-go. You need approximately \$14 million, if this resolution is not approved to come up with offsets.

D.P.O. CARACAPPA:

So our options, if we were not to do this is to not do \$14 million worth of projects?

MR. POLLERT:

That is correct.

D.P.O. CARACAPPA:

Okay.

MR. POLLERT:

Because even if you came up with offsets, you legally couldn't borrow the funds, because it has a short period of --

D.P.O. CARACAPPA:

5-25-5.

MR. POLLERT:

Right.

D.P.O. CARACAPPA:

Okay. Thank you.

LEG. CARACCIOLO:

Madam Chair. Madam Chair.

P.O. POSTAL:

Michael Caracciolo.

LEG. CARACCIOLO:

Thank you. Fred, from a financial management viewpoint, is this a prudent measure to consider and approve at this time?

MR. POLLERT:

Because the interest rates are so low, we can currently borrow at 1 1/2%. It is a good time to step away from the policy. If interest rates were higher, the cost of bonding would be, you know, dramatically higher. Assuming that you're going to be borrowing about 14 million dollars, the associated interest cost is about \$210,000 a year that you're going

to be incurring by doing the borrowing.

LEG. CARACCIOLO:

Put in the context of the growing deficit that we've become aware of almost on a daily basis, the County budget deficit, could you just give me a sense of where we stand right now?

MR. POLLERT:

Currently, with respect to the County's projection for 2003, the Budget Review Office is forecasting that based upon the budget, there should not be a shortfall. The two wild cards are with respect to the pension costs, number one, and number two, what impact the State of New York is going to have when they adopt their budget upon Suffolk County. The pension costs, if they're higher than the State of New York told us, projections are that they will overrun the budget by about 20 some-odd million dollars. The County Executive's Office has taken actions to both put in a hiring freeze, as well as to restrict expenditures. That should generate in the neighborhood of about 15 million dollars in the General Fund.

LEG. CARACCIOLO:

Well, with respect to the hiring freeze, as I recall a memo you issued a couple of weeks ago, you indicated that we have already backfilled in excess of the 20% authorized by resolution. How then will we continue to experience the targeted goal of 15 million dollars, if that practice continues?

MR. POLLERT:

If the practice continues, we will not be able to achieve that goal. The County Executive still has a large amount of budget discretion in the salary accounts, because there are hundreds of other vacancies for which funding was included to fill the positions during the year. So even though, with respect to the Early Retirement Incentive Program, the backfilling has been going on, if he restricts other hirings, he can still generate approximately 8 to 10 million dollars worth of savings.

LEG. CARACCIOLO:

Have you had any independent confirmation from the Budget Office that that's, in fact, what is now in place?

MR. POLLERT:

When I spoke with Bob Bortzfield earlier in the week, he had indicated to me that they were doing

the 10% cut plans and the hiring freezes, but they had not yet finalized them. So, at this point in time, we don't have any information from the Budget Office with respect to exactly where the cuts and what the hiring freeze is going to look like.

LEG. CARACCIOLO:

You were careful in your initial response to my question to cite '03 budget year, but as we all know, the real issue for the County is '04. Looking ahead to '04, what kind of a structural deficit will the County have?

MR. POLLERT:

In large part, it's going to be dependent upon how well we end up '03. If we end up with no fund balance from '03, we should be facing a problem of approximately 100 million dollars.

LEG. CARACCIOLO:

And that is a figure my colleagues should keep in mind when they consider resolutions such as the one before us. We're talking about financial discipline, we're talking about financial planning, and the time to start is now.

P.O. POSTAL:

Legislator Bishop.

LEG. HALEY:

Am I on the list?

P.O. POSTAL:

You are now.

LEG. BISHOP:

You can't have a 5-25-5 debate without my input. When Legislator Finlay and I sponsored this resolution, we did so with the knowledge of something that we all know, which is that Executives and Legislators ultimately are not strong enough to stand up to the Hobson's choice of making a tax increase or cutting an existing program. So what Legislators and Executives have done here, elsewhere, and everywhere, is they try to borrow their way out of the problem. Inevitably, when you do that, you're taxing the taxpayers even more, and you're creating structural deficits that roll on for years into the future. That's what the 5-25-5 law is designed to protect against.

I recently saw a memo that Budget Review Office sent me last year where I asked them to quantify the savings of the law -- under the law and it was over 20 million dollars, so the law has a theory that can't be -- that in practice can't be challenged, because we've seen the damage that's been done in the past, and we have a law that has worked to stop it. And we were asked last year in a time of emergency to suspend the law and I supported that. It was supposed to be a one-year suspension, because there was an emergency after the 9/11 disaster, and we didn't know what the dire fiscal condition we would be in, and we were post budget, so we were asked to suspend it at that time. We agreed to it. That was reasonable at the time. But to move forward and to continue the suspension of the law I feel is irresponsible.

And I attempted to put our money where my mouth is and offered budget amendments that would have fully funded 5-25-5. They failed. This is another opportunity, however, to do the right thing, which is to support the 5-25-5 law, because in the long run, it serves the interest of the County better than either raising taxes or -- because in the long run, it serves the best interest of the County. Thank you

LEG. FISHER:

David, would you yield for a --

LEG. BISHOP:

I'm done, so I'll yield.

LEG. FISHER:

Oh, I wanted to ask you a question about --

P.O. POSTAL:

Legislator Fisher, followed by Legislator Haley.

LEG. FISHER:

I think I'm following him.

P.O. POSTAL:

I'm sorry. Did Legislator Bishop answer a questions of yours or interrupt you or --

LEG. FISHER:

No. I asked him to yield for a question from me, but if Legislator Haley --

P.O. POSTAL:

Okay.

LEG. FISHER:

-- was on the list first, I can --

LEG. HALEY:

Yeah, please.

LEG. FISHER:

-- wait until he's finished.

LEG. HALEY:

Long-term policy, I agree 5-25-5 is great, but I think when you're operating -- when you're operating a business or operating a County, you have to show the flexibility to deal with the short-term problems. This is a perfect example, all right, you have a County Executive who's going to give -- who is -- who is not running again, and perceptually, the responsibility, which is -- should have been, but now it's perceptually going to be reflected upon this Legislature to try to resolve some of the issues for 2004.

Now, when you look at this particular situation, you have to ask yourself two questions. Is it 14 million dollars full of projects that are needed and very necessary for today? Secondly, what is that going to cost us? If it's not going to cost you effectively anything, it seems to me, in the short run, it makes sense to go and to continue this approach. What's great about it is that it's only good for the rest of the year and it would have to be reauthorized again and people have to come back and visit it.

But my question, and if -- Fred, if you could just give me an idea of a couple of major projects that might fall in that 14 million dollar figure you mentioned earlier that you might believe has some sort of priority.

MR. POLLERT:

The Department of Public Works would like to move ahead with a variety of roofing projects on County buildings. There are a number of computer projects, including those for the County Clerk, that can't move ahead, because there are no funds on the pay-as-you-go.

LEG. HALEY:

Fred, that's a good point. When we talk about roofing, we talk about making smart moves today to prevent having to spend a lot more money in repairs later on makes a whole lot of sense. I really think it behooves us to maintain our flexibility and show people we know how to react when we, in fact, are looking at 2004 and the problems ahead. And I can't imagine why any of us, knowing full well that there's an awful lot of projects that have to be done and it's not costing you anything, and it's going to help us towards resolving the problems in 2004, I agree with Legislator Caracciolo, now is the time for the Legislature to step up to the plate and start doing the things that are necessary to put us in some financial good -- financially good stead for 2004.

LEG. FISHER:

Legislator Bishop, I just wanted to ask you a question about the different models that we're comparing here financially. When you introduced -- initially introduced the 5-25-5 plan, what year was that, that was in the mid 1990's?

LEG. BISHOP:

I think 1994.

LEG. FISHER:

Okay. And interest rates then were very high.

LEG. BISHOP:

Right.

LEG. FISHER:

Now, we have a very different model now in interest rates. So how would you argue the benefit of the 5-25-5 plan now with this current fiscal scenario?

LEG. BISHOP:

Because once you're on the juice of borrowing to pay operating expenses, you ain't going to get off it, and it's going to be very difficult to ever transition back into adhering to the 5-25-5 policy.

You can't -- I don't think -- I'm predicting that next year you're going to do the same thing, and the year after, you're going to -- we're going to attempt to do the same thing, which is to suspend the policy, because you're going to have to, at some point, raise taxes to pay for your operating expenses. And people are going to say, "Well, we didn't count on that, because, in the past, we've been borrowing for those items, roof replacement, dredging and so on, when we should have never -- actually the mistake was last year in agreeing to the one-year suspension of it, which at the time seemed reasonable. But now, in retrospect, if we're going to suspend it every year, it was a foolish act to agree to it on my part.

LEG. FISHER:

Okay. Fred, if I heard correctly, Legislator Caracciolo asked you, at this point in time, which would be the best direction to take, and I believe that you said, because of the fiscal scenario, that it would be better to borrow in order to have the kind of revenues that we would need for 2004. Is that correct, did I hear that --

MR. POLLERT:

Yes, it is.

LEG. FISHER:

-- represented?

MR. POLLERT:

That is, in fact, correct. One of the difficulties is that if you don't borrow, if you don't do the projects this year, they don't disappear, next year, you'll need 28 million dollars to go back to pay-as-you-go, because all the projects that are not funded this year will just cascade into 2004. So Legislator Bishop is correct, you know, it's very difficult to move back from a bonding scenario. But the problem is, since we've adopted the budget this year, if we don't bond it this year, you're going to be to be faced with a huge amount of money, which you have to put in next year for the pay-as-you-go, basically two years worth of pay-as-you-go, because, if you don't do it this year, it all flows into next.

LEG. FISHER:

Thank you, Fred.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. First, let me say earlier, we heard from Phil Goldstein, and today was one of those occasions where his remarks, at least in this Legislator's mind, resonated to this -- in the sense that he was talking about how the public is losing faith in their public officials. And when I hear the gobbledygook that I just heard, it begs a response, so let me respond.

I'm looking at today's agenda. I heard earlier the justification would be, in response to a question from Legislator Haley, the Budget Review Office said that it's to fund roof replacements. Well, look down on today's agenda. We are on 2135, 2141 is next, 2115 is after that, and 2215, which reads, "Amends the 2002 Capital Budget," our 2002 Capital Budget.

D.P.O. CARACAPPA:

Withdrawn.

LEG. CARACCIOLO:

It's been withdrawn, but it speaks to roof replacements. So the resolution before us, Fred, is it for roof replacements? Tell me what the backup indicates this money would be used for.

MR. POLLERT:

The backup will be -- the funding will be used for all projects which are prohibited under the 5-25-5 law. That includes small projects with less --

LEG. CARACCIOLO:

Do we specifically have a list is my question?

MR. POLLERT:

Yes, we do.

LEG. CARACCIOLO:

Do you have that list with you?

MR. POLLERT:

I don't have it with me, but I can get it to you shortly.

LEG. CARACCIOLO:

Then I have problem with representations that are made that are not entirely factual. But that aside, that aside, this resolution was withdrawn and it does speak to roof replacements.

So just to get back on point here, this Legislature can no longer take the bow and arrow out and start shooting arrows at the Executive for not dealing with the County's financial problems. It begins today in how we are going to respond to what we now know is at least a 100 million dollar deficit. I will be sponsoring legislation to cut County spending. I look for support, I look for suggestions and recommendations. I'm open to my colleagues' input on that. But I know what will happen, because it's happened before. I can think back several years ago when Legislator Caracappa proposed, and I'm trying to remember, Joe, what the figure was, a 28 million dollar --

D.P.O. CARACAPPA:

Thirty-eight point two.

LEG. CARACCIOLO:

Thirty-eight, I knew there was an eight in there, million dollar budget reduction. And the gobbledygook came out again. People double talk. You know, you're not fooling anybody. You think you're fooling the public, but the public daily is becoming wiser to elected officials who speak through both sides of their mouth and don't deliver what they promise to deliver when they run for election. Let's stop the double-talk, let's deal straight with the people of Suffolk County and do your job.

P.O. POSTAL:

Okay. We have a motion and a second to approve 2135; am I right, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

Okay. All in favor?

LEG. CARACCIOLO:

Opposed.

P.O. POSTAL:

Opposed?

LEG. ALDEN:

Opposed.

LEG. BISHOP:

Opposed.

LEG. TOWLE:

Can we do a roll call?

D.P.O. CARACAPPA:

Opposed.

P.O. POSTAL:

Roll call? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. POSTAL:

Yes.

LEG. TOWLE:

Pass.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. TOWLE:

Yes.

MR. BARTON:

Legislator Haley (Not Present)

LEG. LINDSAY:

Yes.

MR. BARTON:

13-4, 1 not present. (Not Present: Leg. Haley) (Vote Amended to 14 yes, 4 no).

P.O. POSTAL:

2135 is approved. **2141 - Making a SEQRA determination in connection with the proposed scavenger waste facilities at existing Yaphank sewage treatment plant site (proposed SD #24) Town of Brookhaven.**

LEG. TOWLE:

Motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

Motion to table, is that Legislator Towle?

LEG. FOLEY:

Second.

P.O. POSTAL:

Second, Legislator Foley. All in favor? Opposed? 2141 is passed. (Vote: 18)

LEG. HALEY:

Madam Chair.

P.O. POSTAL:

I'm sorry. Legislator Haley?

LEG. HALEY:

Can I be reflected in the affirmative on 2135, please?

P.O. POSTAL:

Yes. You have to make a motion to reconsider.

LEG. GULDI:

Second.

P.O. POSTAL:

I'll second that. All in -- now we have a motion to approve. I'm sorry. All in favor of the reconsideration motion? Opposed? Okay. 2135 is before us. Motion.

LEG. TOWLE:

Same motion, same second.

P.O. POSTAL:

No. Well, same motion, same second, same vote, except include Legislator Haley's motion in the affirm -- vote in the affirmative.

MR. BARTON:

The vote is now 14-4.

P.O. POSTAL:

Okay. Now, let's see. We have -- I think we're up to a motion on the rules.

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion by Legislator Crecca. That's **Number 9**.

LEG. CRECCA:

I'll make a motion to table until following the public hearings today.

P.O. POSTAL:

Second. Motion to table by Legislator Crecca, seconded, Legislator Caracappa.

LEG. TONNA:

Which motion is this?

P.O. POSTAL:

A motion on the rules dedicating -- on the organization meeting.

LEG. TONNA:

I make -- okay.

P.O. POSTAL:

(Number 9) Designating the Long Island Business News of Ronkonkoma, New York as one of the official newspapers of the County of Suffolk. There's a --

LEG. TONNA:

This is a motion to it table?

P.O. POSTAL:

-- motion to table until after the public hearings, seconded by --

LEG. TONNA:

I make a motion to approve. Okay. I can make a motion. You just have to recognize it --

P.O. POSTAL:

Well, there's a motion to, I guess, to -- the motion to table it until after the public hearing takes precedence.

LEG. TONNA:

Takes precedence, but I just wanted to record that I have a motion to approve.

P.O. POSTAL:

Okay. Is there a second for that motion to approve?

LEG. CARPENTER:

I'll second it.

P.O. POSTAL:

Okay. Second by Legislator Carpenter. Now, the motion to table until after the public hearings. Henry, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

Abstain.

LEG. FIELDS:

Abstain.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Abstain.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. POSTAL:

Yes.

LEG. CARPENTER:

No.

MR. BARTON:

11-4-3.

P.O. POSTAL:

The, I guess, designation of the paper has been tabled until after the public hearings.

LEG. HALEY:

Consent Calendar.

D.P.O. CARACAPPA:

We did it already.

P.O. POSTAL:

Now there -- I'm going to recognize Legislator Binder for the purpose of a motion.

LEG. BINDER:

Actually, Madam Chair, I'm going to make the motion after we come back from -- after public hearings, I'll make a motion then.

P.O. POSTAL:

Okay.

LEG. BINDER:

So make it easier on everybody, get through the agenda.

INTRODUCTORY RESOLUTIONS FOR JANUARY 28, 2003
ENVIRONMENT, LAND ACQUISITION & PLANNING

P.O. POSTAL:

Okay. We're going to move to Page 9, Introductory Resolutions, Environment, Land Acquisition &

Planning. I.R. 2330. Is that Page 8? No.

LEG. NOWICK:

Subject to call. Okay.

P.O. POSTAL:

At any rate, there's **Introductory Resolution 2330, which is a SEQRA determination (in connection with the proposed intersection improvements on CR 16, Smithtown Boulevard, at Gibbs Pond Road, Town of Smithtown, CP 5118, Phase II.**

LEG. CRECCA:

Motion.

P.O. POSTAL:

It was -- excuse me.

LEG. CRECCA:

Motion.

P.O. POSTAL:

Excuse me. It was approved out of the Environment Committee 6-0. Motion by Legislator Crecca.

LEG. NOWICK:

Second.

P.O. POSTAL:

Seconded by Legislator Nowick. All in favor? Opposed?

MR. BARTON:

18.

LEG. TONNA:

2330 is approved. **2331 is making another SEQRA determination (in connection with the proposed Koch & Donoher Nature Preserve donation of 1/10 acre of wetlands to Suffolk**

County, Town of Brookhaven). Approved out of Environment 6-0. Motion by Legislator Bishop, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2331 -one is approved. **2333 is another SEQRA determination (in connection with the proposed improvements to Long Island Steamers Facility, Southaven County Park, Yaphank, Town of Brookhaven).**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Approved 6-0 out of Environment. Motion by Legislator Foley, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2333 is approved. **2334, another SEQRA determination (in connection with the proposed resurfacing of existing paved areas at Timber Point County Park, Great River, Town of Islip).** Approved out of Environment 6-0. Motion by Legislator Fields, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2335, another SEQRA (determination in connection with the proposed renovations to existing clubhouse at Timber Point County Park, Great River, Town of Islip). Approved 6-0 out of Environment. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

2336 (Making a SEQRA determination in connection with the proposed addition to the Riverhead Suffolk County Center Court Record Storage Facility, CP 1643, Town of Southampton). Approved 6-0. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

2338 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Park Avenue Dairy Site at Village Green, Town of Huntington). Approved out of Environment 6-0. Legislator Cooper?

LEG. COOPER:

Motion to approve.

P.O. POSTAL:

Motion to approve.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. BINDER:

Madam Chairman.

P.O. POSTAL:

Yes, Legislator Binder.

LEG. BINDER:

On the motion. Counsel advises I should just let the public know that I know the owners from my Synagogue, so people should know that. But I can, according to Counsel, have no problem with voting for it.

LEG. BISHOP:

Let people know you know them?

LEG. BINDER:

Well, no. I know them very well. I mean, they're friends.

LEG. BISHOP:

No, I'm not concerned about you --

LEG. BINDER:

I just wanted --

LEG. BISHOP:

-- I'm concerned about the rest of us.

LEG. BINDER:

I know, they're very -- they're good friends of mine, so I just wanted people to know if I'm going to vote for it.

LEG. GULDI:

Is this a plea for sympathy for them?

LEG. TOWLE:

Throwing it on the mercy --

LEG. BINDER:

Must be. I see them every day, too.

P.O. POSTAL:

Okay. So we have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2338 is approved.

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

Moving to Ways and Means, Real Estate Transactions and Finance. **2102 - Authorizing conveyance of parcel to the Town of Brookhaven, Town of Brookhaven, Section 72-h, General Municipal Law.** That's not right. Town of Brookhaven, Town of Brookhaven? Is that -- is that the Hamlet of Brookhaven? No, it's right?

LEG. HALEY:

Motion.

P.O. POSTAL:

Okay.

LEG. FISHER:

Second.

P.O. POSTAL:

All right. Approved out of the Ways and Means 7-0. Motion by Legislator Haley, seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2102 is approved.

LEG. HALEY:

Thank you.

P.O. POSTAL:

2304 - Authorizing the sale, pursuant to Local Law 16, of real property acquired under Section 46 of the Suffolk County Tax Act, Janie Filoteo and Charles Parisi, as tenants in common. Approved out of Ways and Means 7-0. Is there a motion?

LEG. GULDI:

Motion.

LEG. FISHER:

Second.

P.O. POSTAL:

Motion by Legislator Guldi.

LEG. CRECCA:

Second.

P.O. POSTAL:

Seconded by Legislator -- was that Crecca? All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2304 is approved. **2305 - Authorizing the sale of, pursuant to Local Law 16, of real estate pursuant to Section 46 of the Suffolk County Tax Act to Arnold J. Bencini, Jr.** Approved out of Ways and Means 7-0. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

2305 is approved. **2306 (Authorizing the sale of, pursuant to Local Law 16 of real estate acquired under Section 46 of the Suffolk County Tax Act, Arnold J. Bencini, Jr.),**

authorizing the sale by Local Law 16. Approved 7-0. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

Approved. **2307 (Authorizing the sale of, pursuant to Local Law 16-1976, of real estate pursuant to Section 46 of the Suffolk county Tax Act Daniel Burkitt and Caroline Burkitt)**, another authorizing sale pursuant to Local Law 16. Approved 7-0. Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

Approved. **2313 - Authorizing the sale of one surplus County car to the William Floyd School District.** Approved 7-0. Motion by Legislator Towle, seconded by --

LEG. HALEY:

Second.

P.O. POSTAL:

-- Legislator Haley.

LEG. CARACCILOLO:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracciolo.

LEG. CARACCILOLO:

Counsel, could you just summarize what provision should govern as far as the purchase prices for these vehicles? And I know in the past you've indicated there should be a minimum. There has to be remuneration and there should be a minimum level. Given the high mileage that most of these vehicles that are surplus, are there some other guidelines that we should be considering?

MR. SABATINO:

Well, statutorily the Legislature has set a minimum upset price of \$200 for vehicles that go in order of priority to auxiliary police, municipalities, and then not-for-profit or non-profit organizations. Those are the three categories. The second standard is the information that is provided by the Division in the Department of Public Works regarding the value that they placed on it. Those would be the two standards, 200 would be the minimum. Whatever the dollar value is that's provided by the department would be the other number that you could consider.

LEG. CARACCILO:

Madam Chair, I bring this point up, and before you go Fred --

MR. POLLERT:

Yes. Thank you.

LEG. CARACCILO:

-- is I think this is an area where --

P.O. POSTAL:

Sorry.

LEG. CARACCILO:

This is an area where I think closer examination and perhaps review and recommendation by the Budget Review Office as to what type of policy we should perhaps consider for subsequent adoption.

I note that on today's resolution, is very rarely that I have sponsored legislation selling surplus vehicles, but when I have, the threshold that I've used has been consistently much higher than I think all of the other resolutions that are on today's agenda. And that's a discrepancy, it's not a level playing field. And I took into consideration the mileage on the vehicles. And in the resolutions that I'm sponsoring, the County will be receiving about \$4,000 for two vehicles, whereas in all of these other resolutions, they're in the area of \$200.

So, if that's the direction we are going to proceed, then I think fairness and equity would dictate

that I'll table my resolution, file an amended copy for \$200 each, because that would be consistant with what the wishes of the Legislature are. Fred, do you want to comment?

MR. POLLERT:

The last two years, the County's omnibus bill that adopted the Operating Budget required that surplus property be attempted to be sold on the internet, and that would also establish a base line of fair market value. Those two clauses over the last two years have not been followed. Two hundred dollars has been the standard. Just with respect to this car, it does have a mileage of nearly 180,000. So I'm not sure --

LEG. TOWLE:

I was just going to comment on that, but --

LEG. CARACCIOLO:

No. But, Fred, in any every one of these that came up in committee, I've requested that the Chair note for the record what the mileage on the vehicles were. So I'm sympathetic that this particular is far, probably in excess of its useful value, but, if the threshold is \$200, my point simply being that the two vehicles that I've sponsored resolution for are both in excess of 100,000 miles, that it would be unfair to those entities to pay \$1,500, and I think the other one is close to \$2,000, when other vehicles are being sold for 200. So I will table my resolution and file an amended copy.

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

Legislator Guldi, and then Legislator Towle. Oh, the other way around?

Legislator Towle.

LEG. TOWLE:

First of all, what I would suggest, Mike, is your policy probably needs to be revamped. I went out and looked at the surplus cars that were selling at -- or that we try to sell. Many of these cars, as you pointed out, not only have 180,000 miles or plus, some of them don't have seats. We've sold cars without engines, we've sold cars without steering wheels, cars without doors. I mean, you couldn't make -- you couldn't make this up. But for some of these agencies who have, let's say,

a Ford Crown Victoria from 1997 and they've had an accident and they need a new door on the car, for them to get a surplus car with parts really assists their agency or department. You know, I remember longstanding battles with Legislator Levy on the value of cars.

Clearly, this is not going to make or break the budget, but as long as there is no clear policy, you know, my policy has been that if it's a legitimate nonprofit organization or governmental agency, like a fire department, school district, ambulance company, or a library, or a town, or a village, why we charge the taxpayers of Suffolk County for something that we've already bought? And from our perspective, our policy is that decom these vehicles, because they're not cost effective to keep on the road for us.

Each of these agencies clearly understand what they're getting. You know, buyer beware, so to speak. But in many instances, they're using the vehicles for surplus, or they're using them for such minor tasks that -- yeah, I'll wait until they get done, because I want you to be able to hear this.

LEG. GULDI:

We're in the middle of a debate.

LEG. TOWLE:

Yeah.

LEG. GULDI:

Not right now.

LEG. TOWLE:

Take his lunch order, too, while you're over there. Okay. But to get back to it, that cars in many instances, particularly the school districts are being used for a couple of hours a week to patrol school properties, unlike a highway patrol car that's on the road 24/7, 365 days a year. So, from perspective, that's why I've used the threshold of \$200. In many of these instances, we're lucky to get rid of the cars.

LEG. CARACCILO:

Okay. Thank you.

LEG. GULDI:

Yeah. On the issue of used cars, obviously, the divergence of opinion between the minimum approach and market value approach is one that we've substantively have faced on every one of these resolutions. However, at Ways and Means Committee, it was observed that the best sales representative for sales of used cars for the Suffolk County Legislature would obviously be Legislator Caracciolo. I don't know whether we would have to buy a used car from Legislator Caracciolo or Legislator Towle, but I suggest that if we're going to deal with a change in policy, we either impose the minimum or the market value and we follow it uniformly and collectively.

P.O. POSTAL:

Thank you. You know, first of all, I think that we did adopt a policy with regard to this whole issue, and one of the considerations in adopting the policy we adopted had to do with not-for-profit organizations, which performed service to the County, or which, in fact, were contractors performing service to the County. So to charge these not-for-profit agencies a great deal of money for a vehicle that we feel should no longer and can no longer be used seems foolish to me. But I recently requested certain surplus vehicles to be provided to a not-for-profit in my district, and now, as a matter of fact, I have another one, I believe, on today's agenda.

And I received this communication from Steve Arata. One of the vehicles -- I mean, the others weren't too great either, but one of the vehicles that was transferred was a 1996 Ford Suburban with, now get this, 303,330 miles. Would you like to --

LEG. TOWLE:

Eighteen thousand dollars for that car.

P.O. POSTAL:

No, not that bad, but \$6,500. Now, if a vehicle with over 300,000 miles has a market value of \$6,500, then --

LEG. TOWLE:

I got a bridge to sell you.

P.O. POSTAL:

Exactly. So, you know, I'm just suggesting that the information we get as to the market value of these vehicles is highly questionable. I have a whole list of them. The mileage is 158,000,

114,000. Here's a real good one. I mean, this is probably my favorite. This is a 1995 Ford Suburban, which the market value of is estimated at 6,000 and the mileage is unknown. Now talk about a pig in a poke.

So I suggest that while none of us wants to deprive the County of legitimate revenue, the market value figures we're being given are completely unrealistic, and so this two hundred dollar amount that so many of these vehicles have been transferred for, you know, I, frankly, don't know if I'd want to pay \$200 for a vehicle whose mileage is unknown. And I don't think that a vehicle with mileage of over a hundred -- three hundred and three thousand dollars is worth anymore than \$200. So, you know, I'm so glad I saved this, because it was incredible, and unless it was in print, I wouldn't have believed it. Legislator Fields.

LEG. FIELDS:

Might I ask if it's possible to find out, when we get the list of vehicles, if it doesn't have a door or it doesn't have whatever? Fred, you were --

LEG. TOWLE:

The only way I found that out was to actually go out there. What I've done is I probably have a list of 15 or 20 organizations in my district that on occasion over the years have said to me, "If you have a surplus car, I'm interested in it" kind of thing, and I mail out -- when I get the list, I mail out a notice to those groups and I set up a date where I go out there with a staff person, and anybody's that's interested, we take a look at what cars are there. Sometimes you can't get the VIN numbers on the cars, sometimes you can't get the mileage, because the speedometer and the whole dashboard are missing, because in many instances we strip these cars ourselves at the Police garage or DPW garage before we put them out to auction, so that we have extra whatever for our own cars.

LEG. FIELDS:

Well, who actually designates that that car is going to go out, excuse me, at auction.

LEG. TOWLE:

My understanding is that the department declares it surplus first.

LEG. FIELDS:

Okay. So --

LEG. TOWLE:

And then once that's done, the car is decommed and -- by the Department of Public Works and it's turned over, then, to Purchasing for the purpose of auctioning the cars off.

LEG. FIELDS:

So then why can't, when they decommission it and they put it on the list of surplus, can't they say it's a 19, whatever it is, and the brand and add, you know, there's no dashboard, excuse me, there's no steering wheel, no whatever, why can't that be part of the --

LEG. TOWLE:

I imagine just the volume of paperwork to determine what's missing. I mean, I've gone out there and saw cars missing headlights. I mean, it's minor things, but, I mean, you know, you sit here and you say, "Wow, we're transferring a 1997 Ford," and you're like, "That must be a very valuable car." It's only five or six years old and the car is missing everything except, you know, a frame. I mean, it's just -- it's ridiculous. Like I said, that's why it just gets so frustrating to debate some of these resolutions when you're really -- you think one thing and what it actually is is different.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. With respect to the suggestion that we inventory the defects in the cars, if they're not warn out junk by definition, they shouldn't be being surplused. That's the criteria by which we're surplusng automobiles, given the County's continuing need. I don't think that I want County personnel on County time going out and inventorying our warn out junk. We have other more pressing needs that need to be addressed. If there are cars coming through this system that aren't warn out junk, then we need to adjust the system on the other end, not on the inventory side.

P.O. POSTAL:

Legislator Foley, did you ask for the floor?

LEG. FOLEY:

Yeah. The past two hours have really been the best traditions of this Legislature. We've gone from some very, let's say, significant public policy to an issue of used cars. So we've really run the gamut here in the Legislature, and it really is indicative of the breadth of issues that we address, in this case, within an hour-and-a-half. So it's more of an observation.

P.O. POSTAL:

We have a motion -- I believe we have a motion and a second to approve?

MR. BARTON:

Yes, yes.

LEG. TONNA:

All in favor? Opposed?

LEG. BINDER:

We're back here.

LEG. HALEY:

Back here, Henry.

P.O. POSTAL:

Oh, okay.

MR. BARTON:

18.

P.O. POSTAL:

2313 is approved.

LEG. GULDI:

Same motion, same second.

P.O. POSTAL:

2314 (Authorizing the sale of one surplus County car to Colonial Youth and Family Services). Approved 7-0. Same motion, same second, same vote.

LEG. FOLEY:

Second. Can I second that one?

P.O. POSTAL:

You want to second that one? Certainly. Let's do motion by --

LEG. FOLEY:

Towle.

P.O. POSTAL:

Fred Towle. Motion by Legislator Foley, seconded by Fred Towle? All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2314 is approved. **2315 (Authorizing the sale of two surplus County cars to Shirley Community Ambulance).** A motion by Legislator Towle, seconded by Legislator Foley. Approved 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2316 (Authorizing the sale of two surplus County cars to the South Country School District). Motion to approve by Legislator Foley, seconded by Legislator Towle. Approved 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2316 is approved. **2318 (Authorizing the sale of one surplus County car to the Lynvet Football Club).**

LEG. TOWLE:

Legislator Postal, it's going to be withdrawn, just to interrupt you for a second. They've changed their mind on the vehicle. I couldn't make it up if I tried.

P.O. POSTAL:

They found it's that good a deal, huh?

LEG. GULDI:

They won't take it for free. They're worried of disposal costs.

P.O. POSTAL:

Anyway, **2319 (Authorizing the sale of two surplus County cars to the William Floyd School District)**. There's a motion by Legislator Towle, seconded by Legislator Guldi. Approved 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2319 is approved. **2320 (Authorizing the sale of one surplus County car to the mastic Moriches Shirley Community Library)**. Same motion, same second. Approved 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Approved. **2322 (Authorizing conveyance of parcels to the Brookhaven National Laboratory in the Town of Brookhaven (Section 72-h, General Municipal Law))**.

LEG. CARACCILO:

Motion to table.

P.O. POSTAL:

Motion to table, Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2322 is tabled. **2327 - Sale of County-owned real property, pursuant to Section 72-h, to the Town of Brookhaven for affordable housing purposes.** Approved 7-0. Is there a motion?

LEG. FOLEY:

Freddy's district.

LEG. TOWLE:

Motion to approve.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to approve by Legislator Towle.

LEG. FOLEY:

Second.

LEG. TONNA:

Seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2327 is approved. **2328 is authorizing the lease of premises located at 50 Laser Court, Hauppauge (NY for the Department of Health Services).**

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion by --

LEG. GULDI:

On the motion or before the motion. I asked for representatives of the Real Estate Division to be here with the -- because there was a -- there were some questions that have arisen since committee. I don't see anyone here. I'd ask that we either skip over until after the public hearings, or I'll make a motion to recommit it.

P.O. POSTAL:

Legislator Crecca?

LEG. CRECCA:

I'd rather table it until after

P.O. POSTAL:

Okay.

LEG. GULDI:

We'll save it until after the votes, because, if they're not here, I'd like to recommit it and take it back up in committee.

P.O. POSTAL:

Why don't we hold off on that? I don't even think we need a motion. We'll just skip over it, and I would ask, Linda, if you would contact the -- was it the --

LEG. GULDI:

The Division of Real Estate.

P.O. POSTAL:

Division of Real Estate.

LEG. GULDI:

Health Department.

P.O. POSTAL:

And the Health Department.

LEG. GULDI:

And the County Attorney's Office

P.O. POSTAL:

And the County Attorney's Office to be here after the public hearings this afternoon? Thank you.

2329 is lease of a premises located at 415 Oser Avenue for the Department of Social Services. Approved 7-0. Is there a motion?

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion, Legislator Crecca, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2329 is approved. **2340 - Authorizing the Finance and Financial Services Committee of the Suffolk County Legislature to issue subpoenas in connection with the Suffolk County Employee Medical Health Plan.** Approved 7-0. Motion to approve, Legislator Crecca, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2340 is approved. We're moving to resolutions introduced -- laid on the table in 2003. **1019**

(Authorizing the sale of surplus County cars to the marine Helicopter Squadron 361 Veterans).

LEG. CARACCILO:

Motion to table.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion to table, Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1019 is tabled. **1020 - Authorizing the use of Sagtikos Manor property by the Bay Shore Chamber of Commerce for fundraiser for Sagtikos Manor Historical Society.**

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Approved 7-0. Motion by Legislator Carpenter, seconded by Legislator Fields.

LEG. TOWLE:

Question. Question.

P.O. POSTAL:

Question, Legislator Towle.

LEG. TOWLE:

What type of fund-raiser? I didn't look at this resolution, unfortunately.

P.O. POSTAL:

Legislator Carpenter?

LEG. CARPENTER:

They're having a Sunday afternoon, Sunday at Sagtikos. They're charging \$35 a person, and all of the proceeds are going to Sagtikos Manor.

LEG. TOWLE:

Okay.

P.O. POSTAL:

We have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1020 is approved. Public Works and Transportation.

LEG. CARPENTER:

Madam Chair.

P.O. POSTAL:

Yeah.

LEG. CARPENTER:

Just as a point of information. On that Suburban that you talked about, I was sitting here and went on kellybluebook.com, and you said a '96 Suburban, but I did a '95 Suburban. The cheapest model that they have with 300,000 miles comes up with a trade-in value of \$3,560, and a private party resale value of five thousand eight hundred and fifty-five thousand (sic). So it seems like that \$6,000 figure is probably where they're getting their figures from is the Blue Book.

P.O. POSTAL:

Yeah. I would just suggest that --

LEG. CARPENTER:

And that was putting it in at poor condition.

P.O. POSTAL:

Yeah. I would suggest that, first of all, just hazarding a guess, that this Suburban might not have even reached the level of poor. But I would suggest that using the Blue Book might not be, I guess, exhibiting the best professional expertise that one could use, especially when we're looking at making this vehicle available to a not-for-profit agency. You know, I think that it kind of reinforces what I sense is a general feeling. So, you know, if we were auctioning these things off to the general public, sure, but this is not that situation, but thank you.

PUBLIC WORKS & TRANSPORTATION**P.O. POSTAL:**

Now, we're moving to Public Works and Transportation. **(2230) Authorizing an execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest (with the Developer of New York Power Authority Brentwood Facility).**

LEG. ALDEN:

Motion to table.

P.O. POSTAL:

Let me just give the result. It was approved 6-0. Motion to table by Legislator Alden.

LEG. GULDI:

On the motion.

P.O. POSTAL:

On the motion. Can we have a second?

LEG. CARACCIOLO:

Second.

LEG. FIELDS:

I'll second it.

P.O. POSTAL:

Seconded by Legislator Fields. On the motion, Legislator Guldi, followed by --

LEG. GULDI:

I wonder why -- I just want -- I'll wait. I wonder why the tabling motion. When I -- when we saw this in committee, it looked like, having been systematically voting against these sewer hookups for years, this one looked exceptional to me and I supported it in committee. And I wonder what the Legislators' concerns are for tabling, since this one is so extraordinarily beneficial and so minimally taxing to the system.

LEG. ALDEN:

Okay. They're pumping water out of the ground, running it through these turbines, and then they're going to pump it, as far as the discharge, it's going to go into the Southwest Sewer District. Now, that's of one concern to me, and how many of these they're going to actually site on that, because now there's a plan. We were told that there was going to be one turbine, now there's multiple turbines. So I'm not 100% as far as the scoping of the project.

Number two, Southwest Sewer District, a lot of that -- the gallonage has already been pledged to the development in the Pilgrim State property. I'm not sure how this impacts. And there was also three or four projects that were approved that go up on Route 110 in Huntington that have taken away gallonage from the Southwest Sewer District and from the possibility of developing the Pilgrim State property. So until I had a full picture presented to me as far as what the future is on the Southwest Sewer District, where the gallonage has already been promised, and there was a big promise to New York State for the amount of discharge coming out of there, and these other projects that are being developed up on Route 110, I would really appreciate the holding off on any approvals.

LEG. GULDI:

Yeah. I appreciate the Legislator's questions. If you want to make a motion to recommit it and have us take those issues up in committee, I'd support that, but -- because we had -- while we addressed the coolant water issue, and I don't -- I believe we received assurances that that wasn't the primary purpose of this, that this was employee normal waste water, we did not address and did not have presentation on the commitments of the capacity of the district to the

other projects you've just enumerated.

LEG. ALDEN:

I'd like to change my motion, then, to a motion to recommit.

LEG. GULDI:

I'll second that motion.

P.O. POSTAL:

Okay. Seconded by Legislator Guldi. On the motion?

D.P.O. CARACAPPA:

Yeah. In committee, everything George said did happen, but it's my understanding that this is an additional -- isn't any additional capacity that they're asking for, it's actually a reagreement with relation to what was happening in the past with relation to the gallonage. So I understand your concerns, Cameron, I just want to make it clear that this isn't to grant them cart blanche with relation to more -- more gallonage for what they're probably doing, or might do in the future, but to just maintain what they have in place now for what exists now.

LEG. ALDEN:

Yeah, I realize, but the representation to me was something different than that. And I apologize for not getting to your committee meeting, but I will be at the next one when --

D.P.O. CARACAPPA:

No, I completely respect you, it's your district, and the Chair --

LEG. CARPENTER:

It's not.

D.P.O. CARACAPPA:

Oh, it's Angie's. Well, I had asked the Commissioner as well your concerns, if they were addressed, and he said that they were.

LEG. CARPENTER:

Yeah, if I could.

D.P.O. CARACAPPA:

Absolutely.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I had some concerns that it was, in fact, going to be expansion and asked Ben Wright about it on the record, which is why, when I was on Public Works, I had asked to table the resolution. And I did receive communication from Ben that this was, in fact, not anything to do with the extended PP & L project, that this was solely a reauthorization for the NYPA generators.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. The other thing that I think my fellow Legislators should keep in mind, testimony in committee was that we would realize like \$150,000 in usage fees for really minimal treatment of the waste there. It sounded like a very good deal for Suffolk County.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

And I'm not saying to kill the deal, I'm saying that I'd like to just revisit a couple of the representations that were made to me that seem to be a little inconsistent. There's also one other thing, too. We were presented with a presentation earlier today that made a, what I would consider a disturbing reference to the difference in charges on industrial waste and on -- and on residential waste, so I kind of would like to see some answers to those questions also.

P.O. POSTAL:

Yeah. I would support recommitting this to committee with the knowledge that our next meeting is February 11th. And I would just ask that in committee, this -- the questions that have been raised be addressed, so that we can take action at the February 11th meeting.

This whole -- this whole issue of the Pilgrim State property and Southwest Sewer District Number 3 is a very, very long and complicated history. As I remember, and Mr. Sabatino can tell me where I'm right and where I'm wrong, back at the end of the '80's there was, I guess, an exchange of property that had been within the Southwest Sewer District from property that was at Pilgrim, and the agreement included the State's commitment to fund -- fund new clarifiers for Bergen Point, so that the plant could operate at improved efficiency. That was predicated on a plan to create affordable housing for senior citizens at the site with a continuum of levels of care, so that there was going to be housing for independent seniors, there was going to be what we now have come to call assisted living, then there was going to be long-term nursing home care, and, obviously, that never came to fruition. But where the issue of disposal, waste disposal is now compared to where it was then I think really needs to be examined, because I'm puzzled by this.

I don't know what happened along the line of including the property in the Southwest Sewer District in exchange for removing property, which previously had been in the sewer district, to where we are today. And, you know, I really think I would like to have the committee, just for my sake, just clarify and go through the history of how we got from there to here. So I would ask the Chair of that committee to just briefly go through what the history has been and what agreements were met, what agreements were abandoned, what agreements were breached, so that we know how we can intelligently act on issues like this.

So I would -- as I recall, there's a motion to recommit this to committee and I -- by Legislator Alden, and I think Legislator Guldi had seconded that recommit to committee.

LEG. GULDI:

Yes.

P.O. POSTAL:

All in favor? Opposed?

LEG. LINDSAY:

Opposed.

P.O. POSTAL:

Legislator Lindsay is opposed, and the resolution is -- 2230 is recommitted to Public Works and Transportation.

ECONOMIC DEVELOPMENT & ENERGY

Economic Development and Energy. **1017 - Authorizing the County Executive to submit an application for a foreign trade subzone status --**

MR. BARTON:

16-2.

P.O. POSTAL:

Oh, I'm sorry. What's happening here?

MR. BARTON:

I was trying to get the vote on the last one.

P.O. POSTAL:

Okay.

MR. BARTON:

15-3.

LEG. TOWLE:

I'm sorry.

P.O. POSTAL:

Okay. Wait, wait, wait. Let's -- Henry, would it be helpful if we called the vote again?

MR. BARTON:

Yes.

P.O. POSTAL:

We have a motion and a second --

MR. BARTON:

Yes.

P.O. POSTAL:

-- to recommit 2230 to Public Works and Transportation. All in favor? Opposed to recommitting?

LEG. LINDSAY:

Opposed.

P.O. POSTAL:

Legislator Lindsay.

MR. BARTON:

Okay.

P.O. POSTAL:

He was the same person who was opposed before.

MR. BARTON:

No. I misunderstood.

P.O. POSTAL:

Oh, okay.

MR. BARTON:

I thought there were no's in here, so --

P.O. POSTAL:

I got it.

MR. BARTON:

17, 1 in opposition.

P.O. POSTAL:

Okay. So it's recommitted to committee. And here we are at **1017, which authorizes the County Executive to submit an application for a foreign trade subzone status for Festo Corporation**, which -- okay. It was approved. I don't have the vote. And I'd like to -- is there a motion on this?

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion, Legislator Foley.

LEG. NOWICK:

Second.

LEG. CRECCA:

Second.

P.O. POSTAL:

Second by Legislator Nowick.

LEG. LINDSAY:

Question.

LEG. GULDI:

On the -- yeah.

P.O. POSTAL:

Question, Legislator Lindsay.

LEG. LINDSAY:

Yeah. Where is the location of this?

P.O. POSTAL:

Can we just -- excuse me for a minute. Can we have everybody's attention? We're doing very well, and the reason you can't hear is because everybody's talking.

LEG. BISHOP:

That's why we're doing well, because I can't hear.

MR. SABATINO:

It's thirteen acres of land at 395 in Moreland Road and 430 Wireless Boulevard in Hauppauge. It's in the Hauppauge Industrial Complex close by. And the essence of the legislation is to grant the zone, which will basically wipe out or eliminate duties and tariffs that would otherwise be paid on the transportation of these products back and forth between I think it was Canada and Mexico and Long Island, the net effect of which would be to theoretically retain the jobs in this local community.

LEG. BISHOP:

On the motion.

P.O. POSTAL:

Legislator Foley, and then Legislator Bishop.

LEG. BISHOP:

The Chair of the committee, Legislator Cooper, could probably give us some more info, but it's my understanding that as part and parcel of the threshold to qualify for this status, that when the corporation came before our committee, they mentioned that they're going to definitely be creating between 60 and 80 jobs at this particular facility. So it's not just an issue of retention, as we sometimes see happen with some IDA bonding, but, in this case, they're going to be actually creating anywhere from 60 to 80 jobs. And that's part of the backup to the resolution, for those who want to review that before the vote.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

I'll direct this to the Chairman of that committee. This subzone to the foreign trade zone, is the foreign trade zone over at Islip MacArthur Airport; is that correct?

LEG. COOPER:

I'm actually not sure where the actual zone is. Paul, do you have that information?

MR. SABATINO:

No, I was not made aware of that. All I know is that they're asking for -- the zone in question are the thirteen acres that are in Hauppauge.

LEG. FOLEY:

To answer the question, the way the testimony went, the foreign -- the free trade zone next to the airport is completely filled, so that's why they couldn't locate there, but -- well, go to another place in Hauppauge, because there's no room left in the free trade zone next to the airport.

LEG. ALDEN:

Well, actually, there is some room there, but --

LEG. FOLEY:

Well, this is what they had mentioned.

LEG. ALDEN:

Did anybody come in from Islip, then, or from the foreign trade zone and offer testimony?

LEG. COOPER:

No.

LEG. FOLEY:

We heard from our Economic Development Office, who is very supportive, and had mentioned to us that there was no room left at the Islip foreign trade zone, not for thirteen acres.

P.O. POSTAL:

Legislator -- I'll put you on the list. Legislator Bishop.

LEG. BISHOP:

Yes.

P.O. POSTAL:

Who I always overlook.

LEG. BISHOP:

Mr. Sabatino, using your draftsman's memory, do you know if this type of benefit would be covered under the living wage legislation? I know we did IDA. Legislator Nowick know says she has information, which I'd be willing to yield.

MR. SABATINO:

The reason this wouldn't be covered is because the benefit is not coming from Suffolk County, the benefit is coming from federal and international tariffs and duties that are imposed. So the reason we don't make it under living wage is because we're not giving something of economic benefit that we have.

LEG. BISHOP:

Understood. Okay. In any case, was there any testimony elicited on wages?

LEG. COOPER:

Yes, the question was asked, and they pointed out that the salaries that they would be paying are in excess of the minimum established by the living wage law.

LEG. BISHOP:

Very good. Thank you very much, Mr. Chairman. Thank you for diligence in that inquiry.

P.O. POSTAL:

Legislator Cooper.

LEG. COOPER:

I just wanted to briefly point out that there'll be no adverse tax impact whatsoever to Suffolk County. And we did receive testimony that this would create between 60 and 80 new jobs. The jobs will be coming from Mexico. Generally, it's jobs from the U.S. moving into Mexico. In this instance, however, it's jobs that are going to be moved from Mexico to the United States.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Yeah. I just wanted to tell you that this is a corporation that's already there, it's existing. It creates more tax revenue for our town. It's a good think for the town. It's there for the County, it's a good thing also, and I would fully support it.

LEG. FOLEY:

Madam Chair, just one final point for Legislator Bishop. When we had asked the question about living wage, they had also volunteered information that they offer a health care policy for all their employees as well, so they are, in fact, one of the more progressive companies offering benefits to their workers.

P.O. POSTAL:

I'm sorry. Legislator Crecca.

LEG. CRECCA:

Most of the points have been made. Even though this is in my district, it really benefits all of Suffolk County and doesn't have any adverse effect on the sub trade zone in Islip. So I would encourage my fellow Legislators to vote in favor of this.

P.O. POSTAL:

Legislator Foley, I know you spoke, but -- okay. Legislator Alden.

LEG. ALDEN:

Then that brings up a question I have. If this doesn't have an impact on the foreign trade zone, then why is this subzone, and what are the rules and regulations to create something out of the -- as a subzone. And I'm just going to make a suggestion that in the future, I'll support this, but in the future, I would just make the suggestion that the Committee Chairman contact a representative from the Islip FOREIGN trade zone and just see what kind of impact it might have.

P.O. POSTAL:

All right. So we -- is there a motion on 1017?

LEG. FOLEY:

Yes, I made a motion.

P.O. POSTAL:

There was a motion by Legislator Foley. Was there a second?

MR. BARTON:

Yes.

LEG. COOPER:

I'll second it.

P.O. POSTAL:

Okay. All in favor? Opposed?

LEG. HALEY:

I'm here, Henry.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1017 is approved.

LEG. LINDSAY:

Motion to --

P.O. POSTAL:

Motion to -- I'm sorry. What was your motion, Legislator Lindsay?

LEG. LINDSAY:

12:30.

LEG. FOLEY:

We have two more resos.

P.O. POSTAL:

We're moving right along here. It's almost 12:30.

HEALTH EDUCATION & YOUTH

Health, Education and Youth. **(2149) Establishing procedures and regulations for implementation of Child Care Facility Policy.** Approved 3-0-0-2. I'll make a motion to approve.

LEG. FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. All in favor?

LEG. CRECCA:

On the motion.

P.O. POSTAL:

On the motion.

LEG. CRECCA:

Just can we get a brief explanation of it?

P.O. POSTAL:

You certainly can. A couple of -- within the past couple of years, we've become aware that there are many situations which endanger -- which potentially endanger the lives of children in day-care. There are people on the premises who are convicted felons, even pedophiles, and we need to have information about things like that provided to the Department of Social Services, which licenses child care, so that we can safeguard these children. So the resolution set up a procedure for exchange of information, so that children would be safeguarded.

It's my understanding that we passed the resolution and nothing happened beyond that. The agencies which were required to report to the Department of Social Services have reported, but then the Department of Social Services failed to do anything with the information that was provided. So, for example, they were notified that there might be a convicted pedophile living in

a household, which is a licensed day-care home, and nothing ever happened. So what this is just asking is that the Department of Social Services establish procedures and regulations for implementation of the Child Care Facility Policy, which, frankly, astounded me, because we establish policy and somebody else is supposed to implement. So that's what this does. We have a motion and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

2149 is approved. **2150 (Appointing member to Suffolk County Poet Laureate Selection Panel (Barbara Donovan)).**

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Fisher. It's a Poet Laureate. Seconded by myself. Approved --

LEG. BINDER:

Madam Chair.

P.O. POSTAL:

Yeah.

LEG. BINDER:

Could I --

P.O. POSTAL:

Well, I just wanted to give you the committee report. Approved 3-0-0-1. Legislator Binder.

LEG. BINDER:

I would just hope, in light of what happened in New Jersey, that this panel would be very careful.

P.O. POSTAL:

Okay.

LEG. FISHER:

It's a very well versed panel.

LEG. BISHOP:

That's a chilling statement.

P.O. POSTAL:

Right. All in favor? Opposed?

LEG. GULDI:

Abstention.

P.O. POSTAL:

One abstention, Legislator --

MR. BARTON:

17, 1 abstention.

P.O. POSTAL:

All right. We're going to recess. We will resume at the time of the public hearings at 2:30. And I would just like to remind all members of the media that I am available now and will be until 1:30 in my office to meet with you for a press briefing. Meeting is recessed to 2:30.

[THE MEETING WAS RECESSED AT 12:32 P.M. AND RESUMED AT 2:30 P.M.]

(SUBSTITUTION OF COURT STENOGRAPHER - ANA GRANDE)

P.O. POSTAL:

Will all Legislators please report to the auditorium. Mr. Clerk, are the affidavits of publication in order?

MR. BARTON:

Yes, they are.

P.O. POSTAL:

I have -- ladies and gentlemen, our first Public Hearing is regarding Introductory Resolution Number 2105, **adopting a Local Charter Law to expand prior written notice of defective condition requirements**. I have no cards for this Public Hearing. Is there anyone who would like to address the Legislature on this hearing?

LEG. BISHOP:

Motion to recess.

P.O. POSTAL:

Okay. Motion to recess the Public Hearing by Legislator Bishop, seconded by Legislator Nowick. All in favor? Opposed? 2105 is recessed.

Public Hearing -- can we have some order here, please. Public Hearing regarding Introductory Resolution Number 2246, **A Local Law establishing a site selection procedure for substance abuse houses**. I have no cards on this Public Hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one --

LEG. LINDSAY:

I'd like to make a motion to recess the hearing

P.O. POSTAL:

Motion to recess by Legislator Lindsay, seconded by --

LEG. CARACCILOLO:

Second

P.O. POSTAL:

Legislator Caracciolo. 2246 is recessed.

Public Hearing regarding Introductory Resolution Number 2297, **A Charter Law directing**

Suffolk County Action to roll back cable television rates in Suffolk County. I have no cards on this Public Hearing. Is there anyone --

LEG. ALDEN:

Motion to recess

P.O. POSTAL:

Motion to recess by Legislator Alden, seconded by Legislator Binder. All in favor? Opposed? Public Hearing is recessed.

Public Hearing regarding Introductory Resolution Number 2337. **A Local Law to authorize Tobacco Securitization Program for future County revenue shortfalls.**

The first speaker -- the first speaker on this hearing is William Stoner. William Stoner? Not here. The second speaker is Marianne Zacharia.

MS. ZACHARIA:

I'm back. Good afternoon.

LEG. LINDSAY:

It's off.

MS. ZACHARIA:

Hello. Thank you. Good afternoon. The American Lung Association of Nassau/Suffolk is very concerned about the proposal in Suffolk County to authorize the securitization of the master settlement agreement dollars.

Although the legislative intent is to continue funding the Tobacco Education and Control Program, there's no guarantee that this will occur. We've seen over and over again States and Counties that have securitized their tobacco settlement dollars, put little or no money into tobacco education and control.

The continued revenue flow of the master settlement dollars creates a special justification in connection for funding of the program. Once the funds are securitized, that link is lost. Without a recurring revenue stream, there's less chance that the money will be allocated for tobacco

control.

The American Lung Association of New York State gave Suffolk County an A+ in their most recent report card for allocation of funds for tobacco control. You're the only one in the State that received an A+. The Suffolk County Department of Health Services is doing an outstanding job and is making a difference in the lives of thousands of its residents. Their work needs to continue and a recurring revenue stream such as that from the master settlement agreement justifies this continuance.

Although in times of fiscal crunch, it's very tempting to dip into these funds, I would caution this Legislature to carefully consider these points before making a decision to securitize. Let's not forget why this money was obtained to begin with. It's because of the millions of tobacco victims that cost the states and the counties billions of dollars in healthcare costs. We need to protect future generations the pain and suffering that they have endured. Thank you.

P.O. POSTAL:

Thank you

LEG. FOLEY:

Thank you, Marianne.

P.O. POSTAL:

Next speaker is George Gaige.

MR. GAIGE:

Thank you. My name is George Gaige. I'm a lifelong Suffolk County resident. I'm currently the coordinator of the Tobacco Action Coalition of Long Island. Our coalition consists of thirty organizations, including healthcare providers, local and State government agencies, non-profit organizations, such as the American Heart Association, American Cancer Society and American Lung Association and many other community organizations and youth agencies.

I've been asked to speak on the issue of securitization of tobacco settlement funds. We do not recommend securitization of these funds. Suffolk County has shown remarkable foresight and wisdom in creating a comprehensive Tobacco Education and Control Program over the last few years.

The program administered by the Suffolk County Department of Health services is a model of success and is a major factor in our recent determination that smoking prevalence is lower in Suffolk County than in New York State as a whole.

Dollars spent by Suffolk County in this program today will save tens of dollars in future healthcare costs associated with treatment of tobacco related illnesses caused by smoking, not to mention thousands of lives in Suffolk County.

The funds to continue this program in the future must be guaranteed. Securitization of these funds places them in deep jeopardy. We need only to look to nearby Nassau County where tobacco settlement funds were securitized in 1999 to help overcome a one-year budget shortfall. Seven hundred and fifty million dollars of potential future master settlement funds were sold for a one-time infusion of two hundred and fifty million dollars to the County Treasury.

Although a promise was made to provide two hundred and fifty thousand dollars annually for Tobacco Control and Education Programs, none of this money has as yet been used in a tobacco controlled program.

If the County has no other way to balance its budget, we would suggest securitization of a portion of the funds, leaving at least twenty percent dedicated by legislation to tobacco control and education activities.

Let's not forget that the reason Suffolk County has master settlement funds at all is in settlement of pain and suffering caused by tobacco, and we all have a huge moral obligation to use at least a significant portion of the settlement funds to reduce the pain and suffering in the future. To do otherwise is a crime upon our children and our future generations. Thank you.

LEG. BINDER:

Madam Chair, can I just?

P.O. POSTAL:

Legislator Binder

LEG. BINDER:

Excuse me, sir. On this side, right here. Do you know that in the past any securitization programs that have been proposed through the Legislature by the County Executive have always had a portion of securitization, meaning that a revenue stream was only a portion or percentage of that revenue stream was securitized, the rest of it would come in as normal? And so the intent would be to do exactly what you said, not to securitize the whole amount, to make sure that there's a portion that comes in on a daily or yearly, sorry, yearly basis, and so we would still be able to do exactly what we've been doing with the money to make sure it goes into tobacco programs.

MR. GAIGE:

Well, that's what we'd like to see, but we'd like to see it guaranteed by legislation. Intent is one thing, but intentions can fall apart in the future .

LEG. BINDER:

I agree, but that's how we'd like to see it too. That's important I think to every Legislator here.

MR. GAIGE:

Good. Thank you.

P.O. POSTAL:

Thank you. I have no other cards for this Public Hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, motion to close the Public Hearing by Legislator Foley -- Legislator Binder, seconded by Legislator Foley. All in favor? Opposed? 2337 is closed.

I'll take a motion from -- I'm sorry, Legislator Binder, did you want to be recognized or I just want to set the date of the hearing.

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Fisher, seconded by Legislator Tonna to set the date of February 11th, 2003, at 2:30 P.M., in the William H. Rogers Legislative Building, Hauppauge, for Public Hearings regarding Introductory Resolution Number 1021, 1022, 1030, 1041, 1074, 1078, 1079, 1080,

1081 and 1082. All in favor? Opposed? The date of the Public Hearings is set.

LEG. TONNA:

I want to make a motion on -- are you done?

P.O. POSTAL:

Yes.

LEG. TONNA:

Okay. I'd like to make a motion that was tabled to after Public Hearings with regard to I guess it's Tabled Resolution Number 9. I'd like to make a motion to approve the designation of Long Island Business News of Ronkonkoma, New York, as one of the official papers of the County of Suffolk.

P.O. POSTAL:

Okay. There's a motion to approve item Number 9, which was tabled from the Organizational Meeting.

LEG. TONNA:

Right.

P.O. POSTAL:

And that's by Legislator Tonna. And is there a second on that motion?

LEG. CARPENTER:

I'll second.

P.O. POSTAL:

Second by Legislator Carpenter.

LEG. TONNA:

On the motion.

P.O. POSTAL:

On the motion.

LEG. TONNA:

I think -- I'm just not sure what the holdup is, and to tell you quite honestly, it's not like we haven't had this paper. Last year they did the job, they did a very good job. I checked Legislator Fields' concerns about newsstand issues, there are newsstands, they've complied with the law. Actually, I think my office has a list where they distribute. And also I think I've asked them to forward that to your office, but I know that they had to -- they had to go through an extensive process to make sure that they complied with the law, because that's part of the law.

The concern that I have is a political one in the long run, which is that I think it's -- this has been -- this is the republican designated paper. And I think that generally speaking, especially to my democratic colleagues, there has been a situation where when a party leader, whatever designee, has made it, this has been the practice, we have never messed with the democratic designated paper.

And I know there was a motion to table the last meeting and there is a motion now to table till this afternoon, I just think you're creating a bad precedent in the long run, because the next thing that will happen is that next year there might be, the party in power might say, hey, I want two republican or two democratic papers. And I just, I don't see where this is going.

And so I made a motion, there's a second. I would ask that we vote on the motion. And, you know, I just don't understand why. This causes a lot of confusion when you think of the fact that there are classifieds being placed right now and I think, I would be mistaken if not, I think the Long Island Business News right now is probably, it's getting things from the Clerk's office, right, Henry?

MR. BARTON:

No.

LEG. TONNA:

No. There is no requests for advertising or anything else right now, so the month of January there's been nothing?

MR. BARTON:

No. During the month of January they haven't received any, because they haven't been

designated.

LEG. TONNA:

Okay. That's not what I understand. But --

MR. BARTON:

They did receive some things from us that were approved at the end of last year that spilled over into January, the Local Laws.

LEG. TONNA:

Now, whose contract is that, is that the 2002 contract then?

MR. BARTON:

Yes.

LEG. TONNA:

That will cover that, even though it's a spillover into January?

MR. BARTON:

Yes. We ordered the advertising and they published the first week of January.

LEG. TONNA:

All right. I just think -- I don't understand. It seems like politics is behind this and I don't understand why, when this is an openly political process. The leader of each party designates a paper, the other party is supposed to comply and now there's a breaking of precedent. And if there's a breaking of precedent, that's fine, because next year maybe there should be two republican papers. I don't know. Thank you.

LEG. FOLEY:

Just on the motion. We had this discussion at the last meeting and I had, to Legislator Tonna, I had made some comments after you spoke. And the fact of the matter is even within your own caucus, Legislator Tonna, to this very day it's not simply a democratic -- democrats are opposed to this, but as we said at the last meeting, your focus again today is on democrats when, in fact, the record should also reflect, once again, while I'm going to be supportive of your motion, but it cannot be left unchallenged, the fact remains that even within your own caucus, there is

disagreement.

So, Legislator Tonna cannot just focus on democrats as not following the will of the leadership, the fact of the matter is the kernel of the problem is within your own -- not problem, but that there's an ongoing issue within your own caucus. So, please don't cast any aspersions on the opposition party about this, but rather the fact is that within your own caucus there is non-agreement.

And I said the same thing at the last meeting and I'm somewhat surprised that you're once again bringing up this canard about the Democratic Party here, when it has virtually nothing to do with our particular party on the issue. Now, I stand ready to support this motion, but, you know, be very careful about what you say about other political parties with this particular process.

LEG. TONNA:

All I can tell you is I sit here --

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Can I be recognized?

P.O. POSTAL:

Are you finished, Legislator Foley?

LEG. FOLEY:

Yes, I am.

P.O. POSTAL:

Legislator Guldi and then Legislator Tonna.

LEG. TONNA:

Okay. Thank you.

LEG. GULDI:

Okay. Legislator Tonna, with all due deference to your remarks, and I'm sure you'll want to reply to both myself and Legislator Foley, you're right, it's an openly political process, it's about politics and it's about leadership.

And I wish the republicans would get it together so I could figure out which leadership is leading and which isn't leadership. And as soon as you guys get your house in order and it's clear what leadership is, is remaining in control there, I'm sure, then we'll be more than glad to defer to the republican unanimous designation of the republican paper.

If there was republican unanimity here, there would be no issue about this paper and, in fact, the Presiding Officer's vote might have come out differently. But it is, until such time as there is clarity from the republican leadership, I submit that it's unavailing of you to threaten the democratic paper since that -- the suggestion you made that next year there might be a good idea to have two republican papers would only require a change of State law.

So, let's talk about frankly the reality of politics. You're right, it is politics, and as soon as your leadership is clarified, I'm sure that this issue will be put to rest. That's why I think we should continue to table this until we get that clarity and I'll so move to table.

LEG. TOWLE:

Second.

LEG. TONNA:

Legislator Postal, I ask to be recognized.

P.O. POSTAL:

Yes, Legislator Tonna.

LEG. TONNA:

It is clear, there is a designated Republican leader, his name is Tony Apollaro. Okay? Period. You want to give speculation, and, gosh, we can speculate about anything at any given time, Legislator Guldi. The fact is it's very clear. Right now there is a duly designated Republican leader, his name is Tony Apollaro. All right? Whether that changes a month from now, a week from now, two days from now, no matter what.

The second thing is that clarity has nothing to do with this situation, and I'm not threatening anybody, I'm just telling you you're setting a bad precedent. I didn't say -- it has nothing to do with threats, it has nothing to do with anything, it has to do with setting a new precedent.

And as far as unan -- unanimity, or whatever the word is, within the Republican caucus, some things never change, the fact is, is that I watched for the first six years of being a Legislator with Legislator Levy every single time standing up and saying, I'm not voting for any legals. So if we were going to go with the unanimity of a caucus, then there wouldn't have been one designated democratic paper ever, at least in the six years that I've been there, and I know Legislator Levy, who is extremely consistent, okay, probably started from the beginning of his Legislative career never voting for it.

So to say that you need unanimity is a ridiculous argument, because it pales in comparison to what actually happens. And to say that you need a clear understanding of leadership, I would suggest that it's very clear, legally binding and everything else. Mr. Apollaro is right now the County party leader.

And as far as anything with regard to threats, it's not a threat, it's a precedent that you're setting. It's not a precedent I'm setting, it's a precedent that you're setting. And how quickly one year comes up and tides could change. And I just think it's a dangerous area to be in.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yes. Just I guess a couple of thing. Number one is, Legislator Tonna, I think that was an endorsement of Legislator Levy, I just want to know officially are you endorsing Legislator Levy for County Executive?

LEG. TONNA:

I don't like his vote on the classifieds and the legals, so I'd have to think twice about that.

LEG. CRECCA:

A couple of things. You know I said several weeks ago when I made the original motion to table

that there was confusion apparently and miscommunications within our own party and from the County Chairman, it's three weeks later or so and a lot of that confusion still exists, unfortunately, and that is something that we do need to clear up.

I think that as much as you would like to move the bill, Legislator Tonna, I think that the result of moving that bill would not be a result that would either satisfy you or the County Chairman at this point, or, for that matter, the current newspaper that's listed in there. So, I don't know what the advantage is of moving it now.

Certainly we want to resolve this issue, but the only way we're going to resolve this issue is if we work something out. So that's why I'll be supporting the motion to table and I urge my colleagues to do so the same so we can have the proper votes to designate a republican newspaper.

And, in fact, it is political, because that's why the State law is set up to have a democratic and a republican newspaper, because of that fact, because it is political. And we do need to resolve this issue so that we can have some resolute on this. And it's not fair to the newspaper that's listed in there, it's not fair to the other papers too that thought they were getting it and I think we need too resolve that and we need to do that among ourselves.

P.O. POSTAL:

Legislator Crecca, I think you may be clairvoyant, because we actually don't have a motion to table. Would you like to make a motion to table?

LEG. TOWLE:

Legislator Guldi made it, I seconded it.

LEG. CRECCA:

I heard Legislator Guldi make it.

P.O. POSTAL:

You're absolutely right. Henry had told me there was no motion. Okay. So we have a motion and a second to table, which takes precedence over the motion and second to approve. Any further discussion? Roll call on the motion to table.

(Roll called by Mr. Barton, Clerk.)

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACCIOLO:

(Not present)

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Pass.

LEG. BINDER:

Pass.

LEG. TONNA:

No.

LEG. COOPER:

Pass.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

(Not present)

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Change my vote to an abstention please, Henry.

MR. BARTON:

Yes. 13-3-1-1.

P.O. POSTAL:

Okay. The rule designating Long Island Business News has been tabled.

Now, on page 10, we had skipped over 2328 and we had requested that a number of departments be present to address that resolution before we act on it, the County Executive. Legislator Guldi?

LEG. GULDI:

If I may, I've spoken to the people in the department and the County Exec's representative and I would prefer taking this discussion up, since it -- it belongs in Committee and I indicated I would rather do this in Committee. So I will make a motion to recommit 2328 to Committee and take up the concerns there.

P.O. POSTAL:

Okay. Motion by Legislator Guldi, seconded by Legislator Haley. Discussion, Legislator Crecca?

LEG. CRECCA:

Yes.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

I apologize, I was talking to my colleague to my left. George, what was the reason you wanted to table it?

LEG. GULDI:

Since we had it in Committee, there are two whole new lines of questioning that have come to my attention that we did not pursue there that will take some time and be in some detail. It doesn't, doesn't really require -- it really should be done in Committee and not before the full body and I've requested that they not appear and that we recommit it and we take it up at our next Committee meeting.

LEG. CRECCA:

This is the Laser --

LEG. GULDI:

This is the 50 Laser Court lease, the new lease.

LEG. CRECCA:

And if you can just refresh my recollection.

LEG. GULDI:

That was the one we initially tabled at Committee.

LEG. CRECCA:

I know that, but my question is was it time sensitive in any way?

LEG. GULDI:

No. Actually, I inquired as to that with the Director of the Division Real Estate. This one isn't time sensitive in the sense that we can take it up next week and it will not affect the moving schedule or anything about that. As I said, it's not time sensitive yet, it will only become that way if --

LEG. CRECCA:

Would you table it instead of recommitting it?

LEG. GULDI:

No, I want to do it in Committee. So let's recommit it to Committee so that it is there before us, because it needs to be voted on again.

LEG. CRECCA:

Okay.

LEG. FOLEY:

Second the motion.

P.O. POSTAL:

There's a motion and a second to recommit to Committee. Roll call.

(Roll called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17-1.

LEG. BINDER:

Madam Chair?

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I'd like to make a motion to discharge 2081 and waive the one hour aging rule.

P.O. POSTAL:

Motion by Legislator Binder, it's the American University thing, to discharge Introductory Resolution Number 2081 and to waive the one hour waiting rule, seconded by Legislator Caracciolo, am I right?

LEG. BISHOP:

That hadn't been an hour.

P.O. POSTAL:

No, he's waiving the hour, he never did it. All in favor? Opposed? Opposed, Legislator Lindsay, Legislator Fisher. This is to discharge Introductory Resolution 2081, which has been distributed to you, and waive the one hour waiting rule.

LEG. LINDSAY:

Oh, okay.

P.O. POSTAL:

We had Legislator Lindsay and Legislator Fisher opposed to discharging and waiving the rule, so, therefore, I.R. 2081 is now before us.

LEG. BINDER:

Madam Chair, I'd like to make a motion to approve 2081.

P.O. POSTAL:

Motion to approve I.R. 2081. I'll second it.

LEG. BINDER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Binder.

LEG. BINDER:

2081 does two things. Number one, it says that minors eighteen or younger, and the reason for the eighteen age became because of the Health Committee's concerns, members on the Health Committee were concerned about the age. It says eighteen or not having a driver's license.

If you don't have a driver's license, that means you don't have an alternative. So that means you're stuck in someone's car, and if they're smoking, it affects you.

That's one part of the bill. The other part of the bill is that minors can't be brought into, or anyone eighteen or younger can't be brought into or go into the smoking section of a restaurant. With passage of Legislator Foley's legislation today, it still is a question at least until 2006, and so this would fill a gap between now and 2006 of kids being in, even with supervision, being in the smoking areas of restaurants, they won't even be able to be brought in.

The question really is do we want to protect children who don't have the ability to consent, because they don't have the ability to drive or they don't have the ability to transport themselves and they're stuck in the car with an adult who is smoking. And if we're concerned, the children are the people we should be concerned with more than anybody else. I'd appreciate your support on this and I hope it passes.

P.O. POSTAL:

Any other comments? All in favor? I'm sorry, Legislator Alden.

LEG. ALDEN:

I'll address this either to Paul Sabatino or the sponsor of the bill. Is this civil or is this criminal?

LEG. BINDER:

I can answer it. It's civil.

MR. SABATINO:

I'm sorry.

LEG. BINDER:

That's all right. It's civil. It was a concern whether -- when you have police stopping people should they be doing only criminal, that was a concern, but we didn't want to make this criminal, I didn't want to make this a criminal offense, so we keep it in the same line as a civil penalty and it goes to the Health Department for adjudication.

LEG. ALDEN:

So in the Health Department, in the Health Department we're going to have to get an Administrative Judge or a Hearing Examiner or set up some kind of procedure?

LEG. BINDER:

It's already -- the procedure is set up for all of this, for the smoking in restaurants now, so that it's all set up, the methods are set up. You can ask, if you want, you can also refer to Counsel, but the methods have already been set up, it's no different.

LEG. ALDEN:

The procedure right now, though, is a violation, am I not correct on that?

MR. SABATINO:

Right now there are two sections of fines in the smoking law. One section deals with criminal penalties, was limited to the vending machine situation, which goes back to the mid 1990's. Everything else for every other provision of the smoking bill is a civil penalty.

The penalty was raised at one point, it's up to two hundred and fifty dollars now, but that's all done administratively, as you stated, with Hearing Officers within the department. So, for example there have been complaints in the past of smoking in the workplace, and those matters were referred to the Health Department and they hold the hearings.

So, the penalties will be the same, the procedures will be the same, it will just be a different area of enforcement.

LEG. ALDEN:

Now, the Police Department is going to actually do the enforcement on this, so it will be a Suffolk County cop, or in the case of the five western towns, it's going to be a town police officer that would pull somebody over to the side?

LEG. HALEY:

Eastern towns.

LEG. ALDEN:

I'm sorry, eastern towns.

MR. SABATINO:

It's not limited to the police, I mean a third-party individual could report the incident, as long as he or she is willing to be a witness at a hearing, he or she can make that complaint. So, it's not limited, I mean, the police obviously would be the most likely first line of defense, but they wouldn't be the exclusive line of defense.

LEG. ALDEN:

Does the bill address the fact then that whoever these officers are, are going to have to be issued some kind of civil violation notices to carry around with them? Because the Health Department when they go into an establishment, they have a set violation notice that they hand out.

MR. SABATINO:

That's right. What's going to have to happen is -- I mean that's the administrative paperwork that's going to have to be worked out afterwards. The bill didn't get into that level of administrative detail, but you're absolutely correct, the documentation will have to be prepared.

LEG. ALDEN:

So this is just -- we're going to be approving a concept and then all the details are going to have to follow and be worked out after this then.

MR. SABATINO:

Well, I mean the paperwork, but it's not -- it wouldn't normally be something that the legislation would address unless there was a desire to go in some other direction, like with peace officers, who are different from the police, but this basically will just follow the existing procedures.

LEG. ALDEN:

I have, and it might be a little bit of a tangent, but right now the five eastern towns as far as taking cars under DWI situations, they really -- some of them don't do it, because they say they don't have the resources, number one, to take the cars or to store the cars, so that's a law that's on the books in Suffolk County that we wanted to make a statement about, and yet some of the five eastern towns, you know, they don't comply with that law.

Is there anything in here that is going to penalize any jurisdiction that doesn't comply with this law if we do pass it?

MR. SABATINO:

No. That's not provided here, no.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Could Counsel just cite what the limitations and restrictions on this law are?

MR. SABATINO:

It's to -- it's got two provisions. The first one is to take the existing law that deals with minors in the separately ventilated restaurant. And now that Legislator Foley's bill has passed, that particular provision, assuming that Legislator Foley's bill is signed into law, would only be

applicable for the next three years.

But for the next three years, the current situation which permits someone under the age of fifteen from being in that separately ventilated smoking room with a guardian or a parent would be lifted to the age of eighteen. So that would make it more stringent with regard to the restaurant situation for the next three years.

And then the companion provision would be to impose the restriction on smoking in passenger vehicles in which someone under the age of eighteen is present.

LEG. CARACCIOLO:

Looking at page 3 of the resolution where you cite the amendment to the Code and the limitations and restrictions, under F-1, it indicates, "this prohibition shall not apply to any rooms which are being used for establishment, eating establishment purposes for private functions." So if someone were to go to a catering function, a retirement party, birthday party, anniversary function, so forth, and there were minors eighteen or less, this law would not apply?

MR. SABATINO:

That particular section that you're referring to is the law as it has existed since 1994. That particular -- that particular provision is not being amended in this legislation.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

The portion that's being amended is what I referred to before, which is a little further down the page, paragraph 2, that's the situation where you've got the separately ventilated eating establishment, the separately ventilated room in which you can have smoking. The current law says right now that if somebody under the age of fifteen, they've got to be accompanied by, you know, a parent or someone over the age of twenty-one.

This is -- this is being -- this standard is being changed to make it the age of eighteen. It has nothing to do with the other aspects of the restaurant bill, that was dealt with in Legislator Foley's bill from this morning.

LEG. CARACCIOLO:

Okay. Then if I understand correctly your statement, this resolution does two things, obviously the one dealing with the motor vehicle operation and a minor in the motor vehicle speaks for itself, but I just would like you to clarify where this picks up in terms of where the resolution that was just adopted left off. And you're saying it basically reinstates the prohibitions in bars, taverns, restaurants, effective immediately if it's signed into law?

MR. SABATINO:

No, no.

LEG. CARACCIOLO:

Okay. That's where I'm confused.

MR. SABATINO:

Just back up. Make believe Legislator Foley's bill had not appeared today.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

Hypothesize that it wasn't on the agenda. Legislator Binder, when he proposed his passenger vehicle provision, wanted to have a matching provision, he wanted to have symmetry, he said, in the legislation with regard to the separately ventilated restaurant facilities, so there wouldn't be symmetry, because he was using the age of eighteen for the passenger vehicle and the current law, which is on the books right now, deals with the age of fifteen. So, in his search for symmetry, he made that provision eighteen in the restaurant.

Just coincidentally, Legislator Foley's bill happened to occur today, which will have an absolute ban, there will be no separately ventilated smoking rooms anymore in any restaurants, but that's not going to kick in until January 1st of 2006. So the interplay of Legislator Foley and Legislator Binder's bills, if they both pass, is that for the next three years, the standard will be eighteen in the smoking separately ventilated room in a restaurant and then on January 1st of 2006, there will be no separately ventilated smoking rooms anyplace, anywhere in Suffolk County.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Yes, this is a question mostly for Counsel. I'm just -- while I understand how the Suffolk County Legislature enacted a ban on cell phones because it was proven that there were accidents caused and damage, the cause of loss of human life to other people on the road. I'm wondering, and maybe I'm off on this, but a private vehicle, almost like your home, is there any type of constitutional problem with this if the County Legislature passes this? Or maybe not, it's just a question.

LEG. HALEY:

Why worry about that now?

LEG. NOWICK:

Well, it's a private vehicle.

MR. SABATINO:

Smoking laws have been challenged all across the country. In fact, our first smoking law in 1984 was challenged immediately by school teachers who didn't accept the restrictions on smoking in the teacher conference lounges in the schools. And all of the constitutional issues with regard to restricting smoking based on public health and public safety have been upheld.

LEG. NOWICK:

I know that.

LEG. BINDER:

Can I ask Legislator -- can I answer, Legislator Nowick? Can I answer your question?

LEG. NOWICK:

I'm not saying you're wrong.

P.O. POSTAL:

Can Legislator Binder just respond to your question?

LEG. NOWICK:

Yes.

LEG. BINDER:

It's not a question of smoking, it's a question of vehicle and a question of privacy rights.

LEG. NOWICK:

Yes.

LEG. BINDER:

A vehicle on a public thoroughfare is, for search and seizure purposes, constitutional purposes, assumed to be a public domain, because you can look into windows. So you can't be drinking a beer, you can't -- we can pass a law on cell phones. But if someone puts something in the trunk, there has to be probable cause to stop and open your trunk.

But if a police officer sees inside the window, it's not like seeing inside the house, you're on a public thoroughfare, it's considered your doing something in a public place. And so they can search and there's no constitutional question. I've looked at it. And I've looking at it completely, it would completely pass the constitutional muster.

LEG. NOWICK:

That was my question. I'm no attorney, but does it become public after -- is search and seizure after there's a law and is it a legal thing, what comes first?

LEG. BINDER:

No, because it's always a public thoroughfare. Anything you do in your car, if you do something, we can pass a law that says you can't do something in this public place, because they can see in the window and you're in a public thoroughfare. Your house isn't in a public thoroughfare, that is completely private. So they can't look in your window from the street and say, oh, I see something happening, let me go in and go into your house.

But in a car they can, because you've taken your car from your house on to a public thoroughfare, it's now public, and so we can regulate what happens in that car. That's why we can force someone to buckle their children up in the car and then go after them if they haven't buckled their child, because you can see in.

LEG. NOWICK:

No, I understand, but that's State. I just wanted to -- it's doesn't make a difference, right?

LEG. BINDER:

No.

LEG. NOWICK:

Thank you.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

For the sponsor.

LEG. TOWLE:

You're going to ask him a question, we'll be here till midnight.

LEG. CARACCIOLO:

Well, he obviously gave this a lot of thought, so I'd like to hear his response to a separate question. A motorist that enters Suffolk County from another jurisdiction, how will they be aware and informed that they're violating a Local Law?

LEG. BINDER:

The same way they did with the cell phone law before it was State Law.

LEG. CARACCIOLO:

In that resolution there was a provision to post signage.

LEG. BINDER:

Not originally.

LEG. CARACCIOLO:

I believe the Police Department had a period where --

P.O. POSTAL:

Excuse me, could we refrain from discussion? Could there be a question, and Legislator Binder is perfectly willing to respond to questions.

LEG. BINDER:

Right. I think it's just going to be through publication of the law. I mean -- and people will know and that's, you know, ignorance of the law is also not a defense against the law. You have to know when you go into jurisdictions. And on top of if, it's not a good thing to smoke with your child in the car.

LEG. CARACCIOLO:

Well, it's also not a good thing for an adult to smoke, Madam Chair, if I may direct this --

P.O. POSTAL:

To the Chair, yes.

LEG. CARACCIOLO:

Yes, it's not to the sponsor, statement. It's inappropriate for anyone to smoke in the presence of another individual who's a non-smoker, but that's, you know, one person has a constitutional right to do that and the other person has the freedom to leave that domain where that's taking place.

Household, I mean if a child is in a home with a parent or someone else and there is smoking taking place, you're saying that under the basis of constitutionality, we don't have jurisdiction. So, that said, this sounds to me to be a little far reaching. I mean common sense, not legislation, should prevail and education should prevail in informing adults that they shouldn't smoke around minors. This is really going too far in terms of civil liberties of taxpaying citizens who know what's right, who know what's wrong.

LEG. HALEY:

Put me on the list.

P.O. POSTAL:

Legislator Guldi and then Legislator Haley.

LEG. GULDI:

If I may remember, before my fellow Libertarian Legislator Haley speaks, I do want to -- I have to address a couple of things. First of all, Legislator Binder's constitutional analysis really doesn't meet the test of every constitutional scholar I've ever studied.

Constitutional scholars are supposed to sound very erudite, but be totally incomprehensible, and Legislator Binder's comments, unfortunately, were comprehensible, so they, therefore, don't really pass constitutional law analysis standards.

However, with respect to Legislator Caracciolo's comments, I do have to say that the last time I read the constitution, cigarettes weren't mentioned. There is no such thing as a constitutional right to smoke. There's a Bill of Rights, cigarettes ain't there.

LEG. LINDSAY:

The Indians had no input.

LEG. GULDI:

The Indians actually gave us the tobacco to get even with us for stealing their country.

P.O. POSTAL:

We gave them small pox, so I think that's even. Anyway --

LEG. GULDI:

There was also syphilis.

P.O. POSTAL:

Well, a combination.

LEG. HALEY:

Madam Chair?

P.O. POSTAL:

Legislator Haley.

LEG. TONNA:

Madam Chair, this is just to lay it on the table, right, so we're not --

P.O. POSTAL:

No, no. It was discharged and this is to approve it. Anyway, Legislator, Haley?

LEG. HALEY:

I'm going to pass.

P.O. POSTAL:

You're going to pass?

LEG. HALEY:

Yes.

P.O. POSTAL:

Okay. I would just -- I'm going to ask for a roll call. Oh, I'm sorry, I keep doing that Legislator Bishop. Legislator Bishop, I think we need to get you a stool to sit on.

LEG. BISHOP:

If that will provide me the full rights of a Legislator, I'll do it.

LEG. GULDI:

In our first full meeting, we stoop back to the short jokes. Don't start with the bald jokes, Maxine.

P.O. POSTAL:

Go ahead, Legislator Bishop.

LEG. BISHOP:

I just want to make a brief point. I know there was a lot of suspicion that Legislator Binder was, in fact, lampooning the anti-smoking movement with this legislation, but it does point to logic that we should follow. If we believe that children are less physically able than adults to withstand the effects of secondhand smoke and we further understand that children in cars are in a contained area and will be absorbing an intense amount of secondhand smoke, and if we believe

that secondhand smoke is harmful, then I don't see how we could not allow adult employees --

LEG. HALEY:

To make a decision.

LEG. BISHOP:

So I think that we should do something with automobiles, but this legislation is not correctly drafted, in my opinion, in that if you have a convertible, if you have car windows open, all those situations, smoking would still be illegal, and that doesn't make sense. But if it's tailored correctly, I would support it. And I think that whether it was offered up as a joke or not, it does make a serious point.

LEG. BINDER:

It wasn't offered as a joke.

P.O. POSTAL:

We're going to go to a roll call. I would just like to make a quick comment, because there was a suggestion that I heard, I heard Legislator Fisher make in regard to informing the public about the fact that it was now illegal or would now be illegal for children to be exposed to secondhand smoke in a car, and she suggested using the electronic signs. I think that would be a good suggestion, certainly as worthy as, fasten your seat belts, you know, it's the law. So I will now call for a roll call.

(Roll called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

P.O. POSTAL:

Yes.

LEG. CARACCILOLO:

Abstain.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not present)

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes .

LEG. LINDSAY:

No .

LEG. FIELDS:

Yes.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

No.

LEG. NOWICK:

Abstain.

LEG. BISHOP:

Abstain, to be made better.

LEG. TONNA:

No.

LEG. COOPER:

Abstain.

LEG. TONNA:

Let me join the club, abstains, it could be made better.

D.P.O. CARACAPPA:

Abstain.

LEG. HALEY:

Am I the only no?

LEG. CRECCA:

I was a no too.

LEG. TOWLE:

Yes.

MR. BARTON:

Seven.

P.O. POSTAL:

Okay. I.R. 2081 is defeated. We now have a number of resolutions to be laid on the table and, of course, we're going to get to the Sense Resolutions, I would just like to lay these on the table first.

Let me just state that I -- you will recall that a bill that is proposed to be laid on the table and has not been filed on a timely basis, we must have notification in our rules in advance of the date of the meeting. I will expect that there is some time sensitivity for bills which are going to be laid on the table and not filed with the Clerk in a timely manner. So that those are some of the, I guess some of the framework behind the decision to lay a bill on the table or not to lay a bill on

the table.

So, I'm going to make a motion to waive the rules and lay the following bills on the table, seconded by Legislator Fields. Resolution 1085 to be laid on the table and assigned to Ways & Means. All in favor? We'll do them all at once. Okay. Resolution Number 1086, assigned to Ways & Means. Resolution Number 1087, assigned to Ways & Means. Resolution 1088, assigned to Economic Development. Resolution 1089, assigned to Public Works. Resolution 1090, assigned to Public Works. 1091, assigned to Public Works. 1092, assigned to Public Works. 1093, assigned to Parks. 1094, assigned to Ways & Means, and the Public Hearing to be set on February 11th at 2:30 P.M. 1095 assigned to Ways & Means, and the Public Hearing set on February 11th at 2:30 PM. And 1096, assigned to Environment. All in favor? Opposed? The bills are laid on the table.

MR. BARTON:

Eighteen.

P.O. POSTAL:

Now we're going to move to the Sense Resolutions. We have -- if you can just be patient, I know it's hard after such a long meeting to contain yourself. Sense 72.

LEG. HALEY:

Explanation.

P.O. POSTAL:

Certainly. Sense 72 asks the State of New York to prohibit individuals who are not Public Safety workers or volunteers from using a device that is now available to change a red light remotely from inside a vehicle, so that -- for example, these devices were I guess developed so that a fire or rescue volunteer or a police officer rushing to an emergency scene would have the ability to turn a light red so that that emergency vehicle could go through without having to wait for other vehicles to stop.

However, like anything else, once something is available, people manage to secure it and use it for purposes that are not as worthwhile and valid. So that this would ask the State to prohibit the use of these red light changes devices in motor vehicles for any driver other than a driver who is in the field of public safety, anyone who's responding to an emergency.

Legislator Guldi, you had a question?

LEG. GULDI:

No.

P.O. POSTAL:

Is that clear?

LEG. FOLEY:

Very thoroughly.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

So a fireman or an EMS worker --

P.O. POSTAL:

They're --

LEG. GULDI:

Permitted.

P.O. POSTAL:

Perfectly welcome to use this. This was actually developed for them for that purpose. But if I were driving along and I decided that I didn't want to wait for a red light and I used the device to change the light --

LEG. ALDEN:

This absolutely excludes Legislators?

LEG. CRECCA:

You stole my joke.

P.O. POSTAL:

Gee, I'm sorry, I think I lost a vote.

LEG. TOWLE:

Except Public Safety Committee members.

P.O. POSTAL:

Anyway, all in favor? Opposed? Sense 72 is approved.

MR. BARTON:

Eighteen.

P.O. POSTAL:

Home Rule Message 7. **It's a Home Rule Message requesting New York State Legislature to amend Section 22418 of the County Law to authorize Suffolk County to establish a Foreign Trade Sub Zone in Nassau County.**

LEG. ALDEN:

Motion to approve.

LEG. GULDI:

Second.

P.O. POSTAL:

Was that a motion to approve?

LEG. ALDEN:

Yes.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion to approve by Legislator Alden, seconded by Legislator Guldi. And there's a question about --

LEG. CRECCA:

Why are we doing it in Nassau County?

P.O. POSTAL:

What this does and why we in Suffolk County are taking action.

LEG. GULDI:

I can answer the speaker's question.

P.O. POSTAL:

Okay.

LEG. GULDI:

Nassau County has no free trade zone, can't create one, therefore, the only way that an enterprise located there can engage in free trade practices to put value at it on imported products for re-export is utilization of Suffolk County's free trade zone, that's the purpose of this proposed exemption.

LEG. ALDEN:

One addition to that also, there is a number of Suffolk County residents that actually work in this factory and would be -- it would impact as far as their ability to retain their jobs.

LEG. CRECCA:

Is it limited to this one location? The only reason I say that is because, obviously it's an economic advantage to Suffolk County to have this status, and certainly we wouldn't want, you know, we wouldn't want to be shifting that --

LEG. GULDI:

The way I read this authorizing resolution is this -- if I may, Presiding Officer?

P.O. POSTAL:

Certainly.

LEG. GULDI:

It's this business in this building at this location, period.

LEG. CRECCA:

Okay.

LEG. GULDI:

Any others would have to come before us for consideration.

LEG. CRECCA:

Thank you.

P.O. POSTAL:

We have a motion and a second to approve Home Rule 7, all in favor?

LEG. CARACCIOLO:

Roll call.

P.O. POSTAL:

Roll call.

(Roll called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. TOWLE:

Pass.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not present)

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. TOWLE:

Yes.

MR. BARTON:

17-1.

P.O. POSTAL:

Home Rule Message 7 is approved. I recognize Legislator Lindsay.

LEG. LINDSAY:

Yeah, before we adjourn, I'd like the record to reflect that we've had a visitor with us today, Jessie Jusuta is at South Lawrence Sayville High School and has been observing our very efficient work today.

(APPLAUSE)

P.O. POSTAL:

Thank you. And this meeting is adjourned.

(THE MEETING WAS ADJOURNED AT 3:30 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY